

CAMLA COMMUNICATIONS LAW BULLETIN

Communications & Media Law Association Incorporated

Volume 41, No 1. March 2022

Special International Women's Day Edition

Dear readers,

We hope you are having a reflective and inspiring International Women's Day. This year's IWD #BreakTheBias theme seeks to explore the daily challenges faced by women across society and initiate discussions around how to change perceptions and move conversations towards creating positive change. CAMLA is proud to have created a platform for these conversations to be held.

After the success of our inaugural IWD special edition last year, we are pleased to again be sharing an edition of the CLB that celebrates the many illustrious and diverse contributions of some of our industry's leading women. This edition contains a series of short interviews with around 40 leaders from a range of backgrounds and experiences across media, communications, IP, advertising, government, privacy, entertainment and tech. You will hear brilliant stories from the bench, the bar, government, private practice, in house, and executive roles. The CAMLA industries in Australia are driven by the intelligence, advocacy, warmth, leadership and persistence of many incredible women – and we are pleased to be able to share a sample of that in this bulletin.

There are some common threads through the interviews. Women of different generations, with very different backgrounds and levels of experience, representing organisations with sometimes divergent interests, regularly share similar passions and concerns and are inspired by the same people. Many interviewees were asked about women they admire, and this year, we are seeing the positive impact that Brittany Higgins, Grace Tame and Chanel Contos have had on many women in our community. And of course, some of the inspirations come from less local sources: Madame Bollinger; Hildegard of Bingen and Jane Austen among them. Ruth Bader Ginsburg is, as she was last year, a regular response to this question. But to be an inspiration to women, one needn't be RBG or Jane Austen. Multiple interviewees refer to their mothers and grandmothers as inspirations. And we love that too.

Another leitmotif in this edition is the COVID-19 pandemic. Many of our interviewees refer to the impact that the pandemic has had on working, especially around WFH, intermittent and unforeseeable home-schooling duties, and the removal of boundaries between work and home life. Quite a few interviewees point to some

benefits to be celebrated in better shared parenting responsibilities and increased flexibility. But, as others point out, there's a real issue with rising levels of burnout that disproportionately affects working women and which has been exacerbated by the pandemic.

One theme that stood out to us was imposter syndrome and the dissonance between how we perceive a woman and she perceives herself. It's certainly not something that affects only women, and it is (quite strangely) simultaneously alarming and reassuring that it affects superstars as much as anyone.

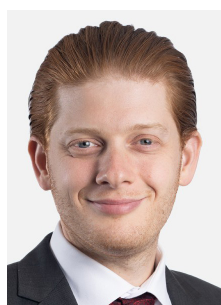
One question our interviewers asked some of the individuals featured in this edition is "what advice would you give to the next generation of female leaders in the industry?". This is an important question to ask – there is acknowledgment that throughout your career you will collect unique fragments of wisdom and valuable insights. However, perhaps more powerfully, this question encourages inclusiveness by sharing that wisdom. By creating such a legacy and connecting with others, we can each #BreakTheBias and forge women's equality through creating positive change.

Like IWD itself, this edition is for everyone – it is not gender specific. For the second year in a row, when we put out a call for interviewers, we were met with a wave of interest from young lawyers, all keen to be involved in the initiative. It is clear that there is a deep desire to share and mark the achievements of women in the legal industry.

Thank you to everyone who gave their time to be featured, and to the CAMLA Young Lawyers who conducted the interviews. This could not have gone ahead without all of you.

Enjoy the read!

Eli and Ash



Eli Fisher



Ashleigh Fehrenbach

Contents

Interviews

Angelene Falk	2
Ashleigh Fehrenbach	3
Shelley Scott	4
Beck Barnett	5
Bridget Fair	6
Calli Tshipidis	8
Charlotte Olsen	9
Deanne Weir	11
Georgia-Kate Schubert	13
Gina Cass-Gottlieb	15
Jennifer Dean	16
Gillian Clyde	17
Valeska Bloch	18
Ita Buttrose AC OBE	19
Judge Penelope Wass	20
Mel Scott	22
Karen Andersen	23
Michelle Caredes	25
Natalie Kalfus	27
Her Excellency the Honourable Margaret Beazley AC QC	29
Rachel Launders	31
Louisa Vickers	32
Sarah Gilkes	33
Shoshana Shields	34
Sophie Jackson	36
Sylvia Alcarraz	37
Anna Spies	38
Jane van Beelen	39
Anne-Marie Allgrove	40
Katherine Sessions	43
Julie Inman Grant	44
Alison Kerr	47
Katherine Sainty	48
Judge Judith Gibson	49
Claire Roberts	50
Miriam Stiel	51
Catherine Hamilton-Jewell	52
Penny Hobart	52

CAMLA

Editors

Ashleigh Fehrenbach and Eli Fisher

Editorial Assistants

Dominic Keenan and Claire Roberts

Design | Printing | Distribution

MKR Productions

Angelene Falk

Australian Information Commissioner and Privacy Commissioner

Katherine Sessions, Assistant Manager – International Strategy and Futures at the eSafety Commission, talks with **Angelene Falk**, Australian Information Commissioner and Privacy Commissioner, about Angelene's career to date and her thoughts on International Women's Day in 2022.

KATHERINE SESSIONS: Hi Angelene – thank you so much for speaking with us. How did your career path lead you to the Office of the Australian Information Commissioner?

ANGELENE FALK: I come from a family of educators where information was highly prized. When I started in my legal career, I was acutely aware that not everyone had equal access to information, or the ability to have their case heard. As a young industrial and discrimination practitioner I was influenced by the privacy harms that I saw, like revealing HIV status to those who didn't need to know, and that started driving me towards how important information was, both in the ability to access it, and in the ability to protect it.

The right to receive and impart information and ideas, to hold opinions and to be free from arbitrary interference with privacy underpin our democracy including our personal autonomy. When our personal information is misused, it can lead not only to individual harm but to collective societal harm. To my mind the OAIC's work is at the centre of what it means to work in the public interest.

KATHERINE: What developments do you see on the horizon in 2022 for the communications and media legal landscape?

ANGELENE: This is going to continue to be a dynamic area of the law: implementing the proposals coming out of the Digital Platforms Inquiry and subsequent reports, a major review of the Privacy Act, a number of regulatory matters involving the big tech players and the accelerated shift to a digital economy.

You would have seen our action against Facebook Inc and Facebook Ireland alleging it committed serious and/or repeated interferences with privacy in contravention of Australian law. As the national privacy regulator, we are holding entities operating in Australia to account for breaches of Australian privacy law. And we expect there to be further regulatory efforts targeted at high privacy impact technologies and the online environment.

You'll see continued collaboration between the OAIC and domestic regulators like the ACCC, ACMA, and eSafety, as well as APRA and ASIC alongside international cooperation. The intersection with privacy and consumer protection law, online safety, technology and media will increase as we work in concert to achieve the best outcomes in the public interest.

The full review of the Privacy Act by the Attorney-General's Department is clearly important to the future of privacy. This is a once in a decade opportunity to upgrade a privacy framework that empowers consumers, protects their data and best serves the Australian economy.

Our view is that a strong digital economy needs to be paired with clear responsibility for how personal information is handled, which drove our recommendation for fairness and accountability to be at the centre of the Privacy Act. If we establish a positive duty on organisations to handle personal information fairly and reasonably it will require them to take a proactive approach to meeting their obligations. Ideally, we will have a situation where preventing privacy harms upfront gives greater protection without relying on reactive action by us as regulator.

Separately, the Privacy Legislation Amendment (Enhancing Online Privacy and Other Measures) Bill 2021, released as an exposure draft last year, proposes to increase the penalties for serious privacy breaches. It aligns them with penalties under consumer law and also provides for the development of an online privacy code to regulate social media and data brokerage services and large online platforms. It will require them to be more transparent about how they handle personal information with more stringent requirements and privacy rules for children.

So the communications and media regulatory developments around privacy are set to be a major focus. They present an opportunity for Australia's data protection frameworks to be world leading.

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

ANGELENE: When the turbulent seas surround you, go back to your (in my case legislated) purpose. It's your anchor to keep steady as a rock.

KATHERINE: The 2022 International Women's Day campaign theme is #BreakTheBias. What does this mean to you and how would you suggest this is implemented in our readers' work and personal lives?

ANGELENE: The right to privacy is not gender neutral. There are many ways in which gender bias intersects with privacy regulation and the use of personal information. In using artificial intelligence to make decisions, the gendered features of data sets can lead to a bias against women and to disadvantage others in the community. Online micro targeting based



Angelene Falk

on gender can lead to exclusion of women from markets and opportunities; profiling of children and young people can result in harmful content being served based on the gendered interests perceived by algorithms.

New technologies can disproportionately impact and lead to privacy harms for women: location tracking devices, facial recognition technology. And sadly, we continue to receive cases of improper disclosure of personal information offline by businesses to ex partners who target women in family disputes and domestic violence.

All of these issues reinforce the need for privacy by design. For all your readers, we need to look at how we can build privacy protections into all new technologies and practices to ensure that we address these biases and remove the risks. We want to prevent harms occurring at the outset.

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

ANGELENE: If you look at the regulatory network in Australia, there is an extremely strong representation of women in leadership, for example across the ACCC, ACMA, eSafety, ASIC and others. All examples of women doing exceptional work and being recognised for it. And you can also see the very strong representation of women among privacy professionals. I think that should be celebrated, and it presents an evidence base for the many women who work in this area that privacy practice and working for a regulator will support you to realise your career potential in an exciting area of public law and policy, protecting important public interests.

KATHERINE: Thanks Angelene. On behalf of our readers, I'm really grateful for these insights. Happy International Women's Day!

Ashleigh Fehrenbach

Senior Associate, RPC

Ahead of International Women's Day, **Anjali Nadaradjane**, lawyer at MinterEllison, speaks to **Ashleigh Fehrenbach** about her career path, law reform and whom she looks up to in the legal industry. Ashleigh is a Senior Associate at RPC in London in the IP and Technology team and currently on a secondment at Meta. Prior to working in London, Ashleigh worked at MinterEllison and Addisons in Sydney. She is a board member of CAMLA, co-editor of the CLB and outgoing Chair of the NSW Young Lawyers Communications, Entertainment and Technology Committee. She also likes to run incredibly long distances.

ANJALI NADARADJANE: Hi Ashleigh, thanks so much for this. It's great to hear about your journey so far. What does a typical day look like for you?

ASHLEIGH FEHRENBACH: I cycle into work, high fiving myself on arrival every day for surviving London in morning peak hour. I've recently started a secondment at Meta (formerly, Facebook), so for the moment it's a lot of calls and meetings with Metamates around the globe, corresponding with external counsel on content complaints and disputes, along with constantly looking up a seemingly never-ending list of acronyms on Meta's Wiki page. Online content regulation is going through a real transformation throughout Europe and the UK, as well as Australia of course. In short, it's an exciting time to be a lawyer in this space. I've been going into my firm (RPC)'s office regularly, which has been great. The pandemic demonstrated what is possible with virtual work environments. However, it also made me value those in-person, daily connections that only happen when you are in the same space as your colleagues. Of course, it helps that I work with a really great team. I finish the day with a run and usually end up reviewing articles for the much beloved Communications Law Bulletin and sounding out ideas for the next edition.

ANJALI: 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?

ASHLEIGH: I didn't grow up necessarily wanting to be a lawyer. For a long time, I thought I'd like to be a journalist, looking up to people like Betsy Wade and, closer to home, Leigh Sales. That changed when I studied media law at university, which quickly became my favourite subject. It was then that I realised there was a much broader array of paths to take as a lawyer as opposed to only corporate law, which I felt I wouldn't thrive at. I interviewed with boutique Sydney firm, Addisons. I was asked if I'd like to take on the workstream of a junior IP and disputes solicitor who had just moved on - I jumped at the chance. From there I worked for a fantastic partner, Karen Hayne, acting for exciting global brands on both IP advisory and litigation

matters. I completed my summer clerkship and didn't look back. Since then, I've remained in the IP and disputes space, now with an added focus on tech matters and working in London.

That being said, just because you identify a core area of the law that you enjoy early on doesn't mean that you shouldn't say yes to other opportunities along the way. In my third year of being admitted, I was invited to go on exchange at a law firm in Costa Rica. That was one of the most fulfilling and interesting experiences I've had - being surrounded by brilliant multilingual lawyers at a Spanish speaking firm, in a tiny but very exotic country. When my firm at the time, MinterEllison, was selected to work on the Royal Commission into misconduct in the banking, superannuation and financial services industry for a number of clients, I put my hand up to be involved. As a result, I was immersed in a mammoth investigation into the world of financial services (a new sector for me) where I worked with some excellent lawyers from other offices, who became fantastic mentors and friends. Later on, when I was asked to go on a secondment with the consumer legal team at Optus, again I said yes. Working in-house at a large telco was an incredible experience. I worked across a hugely varied workstream, with crossovers on privacy, consumer law, IP, competition, regulatory and general commercial queries. I worked closely with different business teams (importantly - not just with lawyers!). As a result, I got to better understand what it meant to sit in the client's shoes.

Saying yes when those opportunities came my way may have veered me away from doing only IP and disputes work. However, each taught me invaluable lessons and broadened my experiences as a lawyer. I'm grateful for that.

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

ASHLEIGH: Always ask - what problem is the client trying to solve? Sometimes we too readily jump into analysis mode before understanding why someone has had to engage legal advice. Get the context first,



Ashleigh Fehrenbach

then dive into the analysis. Another excellent piece of advice I received was from the first partner I worked for. Not only did she have an incredible memory but a fabulous (sometimes terrifying) eye for detail. She instilled in me the importance of immersing yourself in that detail (especially early on in your career) but making sure you come up for air to see the big picture. This was incredibly important advice throughout my first few years of practice when I was involved in a number of Federal Court disputes with long, complicated histories.

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

ASHLEIGH: My grandmothers. I never had the chance to meet either of them and would love to hear more about their lives, their influences and what it was like growing up in a time when women didn't vote, and were only just starting to attend university and turn their minds to the possibility of being a lawyer. They both would have experienced so much change throughout their lives. I'd also like to find out which of them I can blame for my unruly curly hair.

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

ASHLEIGH: Moving jurisdictions in the middle of a pandemic to study is certainly up there. I loved my work and networks in Sydney, but always had an international move (namely London) in the back of my mind from when I was at university. When an offer to study a post-graduate diploma in intellectual property law and practice at Oxford came through the door, I knew it was something I couldn't pass up, despite it perhaps not being the easiest time to pack up and move across the globe.

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

ASHLEIGH: Cultivate your networks and tap into them. I don't just mean networks within your own firm or organisation. Whilst some of my closest friends are people I've worked with in private practice, as lawyers we are lucky to have a multitude of professional organisations that we can get involved with. NSW Young Lawyers (in particular, the Communications, Entertainment and Technology (Committee) and CAMLA were instrumental for me in finding my way early on as a lawyer and connecting with passionate, exciting people. You can learn

so much from people in your networks. It can also lead you to working on interesting projects and initiatives outside your day job as a lawyer. One project I particularly enjoyed was organising "CET-Up" - the CET Committee's 6 month mentoring program which set up junior lawyers and law students with more senior practitioners across the communications, entertainment and tech law sectors.

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

ASHLEIGH: There are so many, but one who stands out is Ruth Bader Ginsberg. To me, she represents courage, intelligence, poise, and persistence. Ruth's ability to navigate

feminism, public policy and justice with so much dedication and passion is something I truly admire. She was someone who was focussed on helping others and working towards a better future.

ANJALI: How do you unplug from work?

ASHLEIGH: Music and running. My mum introduced me to running early on and after some success in high school and university, I started focussing more on distance running. I've always enjoyed pushing myself - running most days and plugging into a favourite album makes me happy and allows me to switch off from work.

Shelley Scott

Barrister at PG Hely Chambers

Anna Kretowicz, member of the CAMLA Young Lawyers Committee, sits down with **Shelley Scott**, barrister-at-law (admitted to the Bar in 2018) at PG Hely Chambers in Sydney, to talk about what it's like being a woman at the Bar in 2022. Completing a BA/LLB with Distinction, Shelley began her career at MinterEllison, where she worked as a Senior Associate for just over 10 years in their litigation team. Pursuing her interests, she was called to the Bar in 2018 and has been developing a strong commercial practice ever since. She has a particular interest in media law - having been seconded earlier in her career to the ABC - but also practises in areas including white collar crime, bankruptcy and insolvency and corporations law.

ANNA KRETOWICZ: Thanks very much for talking to me today, Shelley, for our special issue of the CAMLA Bulletin for International Women's Day 2022. You were called to the Bar relatively recently, in 2018, after spending around 10 years as a solicitor at MinterEllison. Did you always want to work as a barrister? If so, what did you do to position yourself to do that? But if not, how did your career or life decisions lead you to it?

SHELLEY SCOTT: Thanks Anna, it's great to speak with you and to be part of the IWD edition.

As to your question, not really. I got a summer clerkship at a law firm and settled in litigation. I was lucky enough to work on a Royal Commission with a lot of talented barristers for almost two years. During that time, I found myself doing some of their work: drafting submissions, drafting questions for cross-examination and instructing at hearings. I got a taste for it and there was no going back.

ANNA: What does a typical day look like for you now?

SHELLEY: No day is typical for me! COVID has really changed the way that I work; I do a lot more from home than I used to. I might have a series of witness conferences by Zoom, or a telephone or Zoom hearing, or I might speak to a silk that I am working

with about the preparation of one of our matters. Or else I am just doing chambers work; drafting and researching.

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

SHELLEY: Work on your attention to detail. A lot of junior lawyers (myself included) do not have good attention to detail. It is a learned skill. I worked hard at improving my attention to detail and it has paid dividends throughout my career.

ANNA: That's great advice, I think I'll have to note that one down for myself... but a more important question, perhaps, is how do you unplug from work?

SHELLEY: I play netball and I love it!

ANNA: The 2022 International Women's Day campaign theme is #BreakTheBias. What does this mean to you and how would you suggest this is implemented in our readers' work and personal lives?

SHELLEY: I'll give you an example.

My best friend is the General Counsel of a listed company. Recently, she asked my advice on picking a barrister from the list of barristers that her solicitors had given her. I looked at her list of six very accomplished older male barristers and I told her that all would do a good job, but I queried why



Shelley Scott

there was no woman on the list. She was shocked. She hadn't noticed the absence of a woman (or two or three) on the list.

She told me later that she contacted the partner at the law firm and asked him why he had not included any women on the list for her consideration. Sadly, he tried to justify the absence of women on the list, but even so, the most important step was getting her to recognise her own unconscious bias.

I would encourage your readers to ask questions when they too are faced with the absence of women from any part of their lives; challenging the bias is the first step to breaking it.

ANNA: And to finish with a fun one, if you could have dinner with any woman (living or passed, real or fictional), who would it be and why?

SHELLEY: Definitely Ruth Bader Ginsburg, so I can ask her why she didn't retire when Obama had the chance to pick her replacement, and if she accepts that her failure to retire when the Democrats had the chance to pick her replacement may just have been her worst decision in an otherwise storied career.

Beck Barnett

General Counsel – Digital and technology and Privacy Officer at Seven West Media

Beck Barnett is the General Counsel - Digital and Technology, and Privacy Officer at Seven West Media. Beck has responsibility for enabling and supporting the ongoing digital transformation of the business, by providing it with the legal and commercial support it requires to achieve large scale cross platform content distribution, and to attract, grow and maintain its digital audience in a manner which strikes the right balance between data commercialisation and privacy compliance. **Tess Mierendorff**, Senior Associate in Herbert Smith Freehills' IP team, spoke to Beck about her thoughts on International Women's Day, #BreaktheBias, and the excitements and challenges of working in the media law space in 2022.

TESS MIERENDORFF: Thanks Beck for agreeing to talk with us as we celebrate International Women's Day. The 2022 International Women's Day campaign theme is #BreakTheBias. What does this mean to you and do you have any suggestions for how our readers can implement it in their professional and personal lives?

BECK BARNETT: The key to breaking the bias, in my opinion, is for all of us to get more vocal against bias against women. We have all seen the impact being vocal has, via the #MeToo movement and amazing women such as Grace Tame and Brittany Higgins speaking their truth. It takes brave people to speak out, and by speaking out, the uncomfortable gets ventilated, and when the uncomfortable gets ventilated and people start to talk, awareness grows and change starts to happen.

But if we are going to break down stereotypes, discrimination and bias against women in the workplace, we can't leave this to the brave – we all need to play a part, and not only women. And it goes beyond talk – we need to walk the walk; we need action – we need to not walk past the bias we observe, for the standard you walk past is the standard you accept. We need to lead by example – we need to show our colleagues that everyone's opinion matters; we need to show our kids that our girls and our boys are equally capable in all areas of study – that business needs women in technology, that a diverse Board of Directors is a more effective one, that women in all sports are entitled to the same pay as men.

We need to think about our own actions, pull ourselves up where unconscious bias rears its ugly head, observe our own behaviours – if it's not helpful, we need to make change. Paying lip service to the fight for gender equality in the workplace will not get us to where we are entitled to be. We need to re-lay the path for future generations, actively.

TESS: What does a 'typical day' (if there is such a thing) look like for you in your role as General Counsel, Digital and Technology, and Privacy Officer at Seven West Media?

BECK: A typical day for me starts with wrangling my kids out the door – always a good start in order to get work done! This is closely followed by a coffee, and on a really good day, maybe even a dip in the ocean if I'm lucky – there's no better way to clear the brain. Then it's a deep breath and dive into my day at work – every day is full to the brim with problems to solve, challenges to overcome and people to help.

For me, with a busy in-house practice and part of a lean team and working across a broad range of work, it's always about keeping all the balls in the air, for myself and for anyone I am advising or assisting at the time. It's fast paced, it's varied, and people appreciate what I do for them. This is what it's all about for me – helping others achieve their brief – it's very rewarding. To lead the legal side of technology, digital and data is an exciting space to work in as a lawyer in a media business – we are constantly building things, transforming the way people consume content, and understanding and building our audience in innovative ways using data. It's always very commercial and it's always very current.

TESS: I'm sure you've had some great mentors and role models in your career – can you share the best piece of work-related advice you've received?

BECK: I'd say I have learned more by watching and observing than by direct advice. But I have certainly made many observations:

- Don't just come up with the problems – come up with the solutions. I have worked by that for many years now, and it makes for a great commercial approach.



- I also think I have learned, by watching great role models, that it's no point bottling things up or panicking when things get hard – a problem shared is a problem halved, and I love a good brainstorm in this way.
- Be reasonable. Be kind.
- Remove the emotion.
- Be clear. Remember the goal – don't get stuck in the weeds.
- And certainly, that a sense of humour and ability to keep things in perspective goes a long way.

There are too many to choose from!

TESS: What developments do you see on the horizon in 2022 for the communications and media legal landscape?

BECK: The developments I'm closest to are those coming out of the Digital Platforms Inquiry – competition, privacy, ad tech regulation – we will continue to see the communications and media landscape evolve this year in those areas. The government is levelling the playing field between traditional media and the big digital platforms – it is a pivotal time for media in this country.

Of course privacy law reform is massive in itself, and is going to have a significant impact on not only the communications and media industry, but across all industries.

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

BECK: Back yourself. Be yourself.

Bridget Fair

CEO of FreeTV

Isabella Boag Taylor, Associate at Bird & Bird, spoke with **Bridget Fair**, CEO of FreeTV, in honour of International Women's Day. **Bridget** is a Director of the Judith Nielson Institute for Journalism and Ideas, and has previously held roles as Group Chief of Corporate and Regulatory Affairs at Seven West Media and Chair of Screenrights, as well as roles at SBS and ABC.

ISABELLA BOAG TAYLOR: You have worked at executive level in almost every prominent media organisation in Australia. What drew you to media law and what has kept you working in this area?

BRIDGET FAIR: I stumbled into media law during my degree at the University of New South Wales. It was a new course by Professor Mark Armstrong, and it definitely sounded more interesting than mining law. Everyone is interested in media – we all watch it, listen to it. It impacts our lives. When I was at university, there was a lot of debate around who was controlling the media, and questions around whether Kerry Packer should buy Fairfax, for example. When I enrolled in the course, I loved it.

By very good luck, I ended up with a job at the Australian Broadcasting Tribunal after university, and I worked on the investigation into whether Alan Bond was a fit and proper person to hold a television licence. I could suddenly see how the theory that I learnt in my university course fitted into considerations about the kind of information we are provided as citizens. One moment, I was learning dry rules around licensing, and the next moment I was learning about the impact those rules could have on the community I lived in. It was a lesson in the practical impact of regulation as opposed to the academic construct that I'd lived with at university. It was an excellent start.

I then relocated to London for a while, where I worked at a firm called Denton Hall (now the global firm Dentons). When I started there, I was assigned the task of delivering a report to the European Union about satellite regulation. It was an exciting, emerging field to be working in, with space as a new frontier for media.

Today, with the debates around social media and the media diversity inquiry, we're still talking about how the information we are provided impacts the sort of world we live in, our democracy, how we relate to each other, and even our interpersonal communications. Take for example the discourse that has emerged from *Married at First Sight* around what a healthy relationship looks like – would we be having that conversation if that show wasn't on television? Our main sources of media are very important. Even if our consumption habits are changing, there's still a lot of people reading the papers, watching TV, and listening to the radio.

ISABELLA: Building a professional network can be an integral part of a career, but sometimes we have to forge our own way. When you were establishing your career, how important was it for you to see other prominent women in your profession and in roles that you aspired to?

BRIDGET: There have been many very important women in my career, as well as men. I was the research assistant for Victoria Rubensohn, who was a member of the Australian Broadcasting Tribunal. She was very inspiring and forged a path in many male dominated spheres. She was the first Executive Director of the Australian Recording Industry Association (ARIA) in 1985, but she'd also been a barrister and had a small business. Victoria was all about the work, doing your best, and seeing what you could add to a task. She was conscious of the dynamics women faced but didn't let herself get too troubled by them. Her ethos was to keep setting goals and focus on achieving them. It was a matter of not being oblivious to the obstacles, but not letting them impede your ambitions. She has remained a lifelong friend and mentor.

I was also inspired by Maureen Kerridge (Plavsic). When she was appointed CEO and Managing Director of Channel 7 in 2001, she became the first woman to ever run a television network in Australia and one of the first in the world. All the important women in my life had forged careers in male dominated industries and were alive to the challenges faced by women at senior levels. I count all these women as mentors. And I have also been fortunate enough to have very important male mentors in my life.

I think it is important to find people whom you admire, who are alive to the dynamics of the industry that you work in, as well as gender politics, and who can generously give their advice when those challenges arise. Sometimes, you might not even meet the people who inspire you, but it's important to see them and what they do. People like Gail Kelly, Julia Gillard, Julie Bishop – and now Justice Ward has been appointed the president of the NSW Court of Appeal. Those are 'big picture' people, but we also need visibility at a more micro level, with the law firm partners that you work with, or the managers above you.

ISABELLA: Thinking about women who are starting on their career journeys now, what do you see as some of the challenges we face, and do they differ to the ones that you faced at the same stage?



Bridget Fair

BRIDGET: The challenges are different. We have made a lot of steps forward, and the world of work is immeasurably better for women. We can see why that is from the debates that we're having at a national level. Women have more opportunities to embark on more careers than ever before, and securing a role is not as much of a challenge as it once was.

So, what are the challenges now? To me, it is the challenge of making that first step into management – the "missing rung" for women. The first step up, the first promotion, is hard, and the data bears that out. For every 100 men who are promoted to manager, there are only 86 women promoted.¹ The number of female partners is increasing, but of course it's still harder. The faster you get the first promotion, the better.

Another challenge that I see is burnout. There is still a need for women to take on multiple roles – and working from home has only exacerbated that. Often for women there are invisible extras added to the workload. The expectation to be "always on" that has come from working from home – the requirement to be flexible in the pandemic, and the morphing between when we're at work and when we're at home. This affects people, like women, who typically assume more home duties.

There is a better discussion today around diversity, harassment, inclusion, and equality in the workplace. These concepts were not being spoken about when I started work. But who is supporting women in the midst of those issues, and in those conversations? When I entered the world of work, you wouldn't speak up about harassment. You hoped it would go

away, or hoped it wouldn't happen. Now, there is an expectation on people to speak up, and the onus seems to be on women to fix the problem by putting themselves on the line. But as a woman, that means you might still be the one who pays the price. It can be a difficult thing to carry, another burden to take on. And if you don't want that burden, people can judge you for it. My perspective is: if someone doesn't want that burden, we can't judge them. But we also have to recognise that change comes from those who do speak up and work towards making the price not quite so high.

ISABELLA: As a leader in your industry, do you think a leader should have specific skills, talents, or characteristics? Or do you see leadership differently?

BRIDGET: All leaders have a certain number of qualities in common, but people express them in different ways. Good leaders tend to be authentic. They focus on encouraging the people around them – growing and developing those people. Good leaders embrace honest dialogue, and aren't afraid of hearing the response that they don't want to hear. They are open and honest in those difficult discussions. Good leaders must be highly ethical, and strategic in their thinking. There's not necessarily a difference between male and female leaders, but I would say that female leaders have a responsibility to encourage and support young women coming through.

ISABELLA: I'd like to talk about the future of regulation in the media industry – we've got privacy reforms, defamation reforms, and the policy reforms emerging from the Media Reform Green Paper on the horizon. What do you see as the biggest challenges impacting the sector that could come out of each of those reforms?

BRIDGET: The biggest challenge in the sector is how we address the impact on our democracy of big tech platforms, which are now the gatekeepers to much of our public discourse, information, and entertainment. These are companies that are bigger than governments, but are not beholden to them, and we can see the impacts of their actions. The Government has been making a real attempt to address the issue: the ACCC just released a paper about AdTech, and the News Media Bargaining Code is one of the biggest pieces of microeconomic reform that we have seen in recent times.

I'm not saying that these platforms are intrinsically evil, or that they haven't delivered benefits to our communities. But these are monopoly companies with monopoly power, and they strain our regulatory structures. We have very important local sources of information through local media. We need a strong local media sector because we need to know what's going on in our backyard. That is where the big conversations are happening right now.

FreeTV recently put out a manifesto about the three key priorities for us in the lead up to the Federal Election. One of the issues is the prominence of local TV services on smart TVs, which are now effectively computers on our walls. Whoever controls the operating systems of those pieces of technology controls what people are being offered to consume. This is a challenge for our democracy, and the values we identify with in Australia. The discussion around anti-siphoning ties in here as well. When big streamers like Amazon enter the market, we must ask ourselves whether we want to live in a country where people can't share in the national moments that really forge us as a society. These micro questions of regulation relate to a macro conversation.

ISABELLA: Another area that has received a lot of attention recently is the issue of press freedom, and particularly the intersection of law enforcement, national security, and freedom of the press. There have been some reform processes in this area (including two parliamentary inquiries), but apart from Stage 1 of the Review of the Model Defamation Provisions, there have been no formal announcements or measures. What are some of the ways you think public interest journalism can or should be protected in Australia?

BRIDGET: The Stage 1 Defamation Reforms have been great. They are the first time in over two decades that we've seen harmonised law reform in this area. That process, being led by Mark Speakman, is very considered. It is something that will be important for the media, but also for consumers – so we can hear more of the stories that we need to hear, instead of living in one of the most litigious media environments in the world.

One of the issues that came up in the Parliamentary Joint Committee on Intelligence and Security (PJCIS) into media freedom was the question of contestable warrants. The PJCIS did not support the proposal that warrants executed by the AFP should be contestable, but we still support it. There have certainly been improvements in the process, including an improved role for a public interest advocate in applications for warrants against media organisations.

It's important to examine all of the different ways that media organisations can be shut down when pursuing a story. For example, whistleblowers are essential for stories to come to light. They need to be properly protected, and we need a working Freedom of Information regime. So many important stories about what is happening in our Government come to light through Freedom of Information requests, although sometimes it feels like it's freedom from information. The truth is the documents held by public officials and government agencies belong to the Australian people – we must be able to have access to that information. There are

also important questions around the use of cabinet processes and secrecy requirements in relation to cabinet documents. We must ensure that Freedom of Information and other structures are supported in those processes.

There has been progress. Discussions are ongoing, and many issues were ventilated with the PJCIS inquiry, but there is still some way to go.

ISABELLA: What is the best piece of work-related advice you've ever received? Is there any advice you would give to emerging female leaders in our industry?

BRIDGET: The best piece of advice I ever received was from my very first mentor. She told me, "Bloom where you're planted." Sometimes, our job isn't what we thought it might be. Sometimes we're given tasks that aren't what we would choose to do. But whatever you're given, do it well. Be enthusiastic, competent, and committed, because that's the best way to be given more interesting and exciting work. I have been asked to pick up someone's dry cleaning – but the same person who would ask me to pick up their dry cleaning would let me sit in on their next meeting. It's important to show that you can get on with the work, and not sweat the small stuff. There are no jobs where you get to do *just* the things you really like.

ISABELLA: When you were starting out in your career, did you imagine yourself in this kind of role? Were there any steps that you recall taking that helped you to achieve your goals?

BRIDGET: I didn't imagine myself in this kind of role. I was certainly ambitious. But I was given another good piece of advice: never take a job for the money. Of course, you should know what you're worth, but it's more important to take the jobs that you're interested in, and to think about your career strategically. If you move onto one lily pad, think about what the next lily pad might be.

Did I start out in my career thinking I would be the CEO of FreeTV? Not necessarily. But I did always look for the next job that I thought would extend me professionally. We should be courageous in our careers and extend ourselves. Look for the next thing that interests you, and aim high. Don't be worried about a knock-back, because the worst thing that can happen is that it doesn't work out. Try to be as courageous as you can.

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

BRIDGET: They may not be in media per se, but it's hard to overstate the impact that young women like Brittany Higgins, Grace Tame and Chanel Contos are having on the dialogue around what women can and should expect in the workplace and society more generally. And of course who could forget Ash Barty, what an inspirational woman.

¹ McKinsey & Company, 'Women in the Workplace 2021' (Article, 27 September 2021) <<https://www.mckinsey.com/featured-insights/diversity-and-inclusion/women-in-the-workplace>>.

Calli Tsipidis

Legal Counsel, Foxtel

Rachel Liang, Associate, MinterEllison, sits down with **Calli Tsipidis**, Legal Counsel, Foxtel Group, to discuss her thoughts on International Women's Day. Calli is the Chair of the CAMLA Young Lawyers Committee and in 2021, was the winner of the 'Rising Star of the Year (In-House)' and 'In-House Lawyer of the Year' awards at the Lawyers Weekly Women in Law Awards.

RACHEL LIANG: You started your career in private practice. What made you want to move in-house and work in the sports industry?

CALLI TSIPIDIS: As a lifelong sports fanatic, I knew that sport was a direction I wanted to steer my career towards, however it wasn't until partway through my university studies that I truly understood what a 'sports lawyer' was, and how I could work in this type of role. I completed a Sports Law elective course during my fourth year, where our fantastic lecturer invited sports lawyers to join our classes and give us insights about their role and career trajectory – it opened my eyes to a world of possibilities!

I was very enthusiastic about the prospect of working in an area that I was personally passionate about, and already consumed so much of my time, watching and playing hours of sport every week. After many months of applying for various legal and administrative roles across the sports industry, I secured a 6 month legal and regulatory internship at Football Australia (then known as Football Federation Australia). This was a wonderful glimpse of working as a lawyer in a corporate sporting environment. A key takeaway for me was that every day brought new and different challenges and opportunities, shaped by the business units the legal team supported. I loved the buzz and excitement, and importantly I loved the end product.

Only a few short months after my internship had ended, a junior legal counsel role opened up at FOX SPORTS Australia and the rest is history!

RACHEL: Did you come across any barriers to entering the sports industry as a young female lawyer? If so, how did you overcome them?

CALLI: I am very fortunate to work for an organisation that truly encourages females to grow their careers in the sports media industry – through specialist graduate programs for women, investment in women's sports and internal programs such as 'Fox Squad' which provides employees with opportunities to network, develop and be inspired by fellow colleagues and leaders.

Practically speaking, the main barrier for me was the market itself, which anyone who is seeking work in sports and media will appreciate. When I first started looking for a job in sports and sports media, I realised there were actually very few that existed, let alone any that were available to juniors! I know that I am very fortunate to have held a couple of roles in the industry already, so my advice as to how to 'overcome' the barrier is:

1. be persistent – check for job opportunities regularly. As the industry grows, more opportunities are becoming available so don't be discouraged if there isn't anything available right when you want it;
2. be open minded – there are some wonderful roles that are not necessarily 'legal' and can help you get your foot in the door, or there may be opportunities that are not necessarily paid (e.g., internships). If you're passionate about the industry, why not give it a go! You have everything to gain from taking the chance; and
3. connect with people – don't be afraid to reach out on LinkedIn, or introduce yourself at a networking event, or even offer to buy someone a cup of coffee to pick their brain on their career path and tips.

RACHEL: What progress have you seen on gender equality in your life and work?

CALLI: I am very fortunate to be surrounded by strong and talented female leaders in my professional life, in my extra-curricular activities and in my personal life, each of whom inspire me to strive for greatness and follow my passions. Generally speaking, I do think we have seen some encouraging signs over the past few years – with greater representation of women in the corporate world, sports and politics. However, I know this is not the norm.

Whilst we have made progress, true gender equality requires a continued investment in all aspects of equity, inclusivity and diversity and it is not a quick fix. We need to foster a culture that truly appreciates the benefits of diversity, where women feel comfortable bringing their unique ideas, perspectives, and experiences to the table – and are respected for doing so by all of their peers. To achieve this, we need to empower everyone to be part of the solution in order to get to a place where we do not need a specific day to 'remember to celebrate' women, but that such celebration, encouragement and investment is embedded into our everyday lives. It will take time, but I do think we are getting there!

RACHEL: How important is the role of a mentor to young female lawyers?

CALLI: I think mentors play such a vital role in helping guide and direct their mentees by drawing from their own experiences – but also are key in offering support, advice and acting as a sounding board for mentees. Young women often face challenges in the workplace and life that aren't easy to navigate, so having a trusted advisor who you



Calli Tsipidis

can confide in, seek support and unbiased advice from, is crucial in helping overcome challenges, providing encouragement and stimulating growth in their mentees.

It can seem daunting and perhaps a big commitment but the beauty of mentorship is that it does not have to be structured or formal, it can be as simple as a casual conversation or two – and it provides wonderful benefits to both the mentee and the mentor!

RACHEL: What is the best work-related advice you've ever received and what advice would you give to the next generation of female leaders in the industry?

CALLI: Be bold and brave. Say yes to opportunities even if they take you out of your comfort zone, introduce yourself to that someone whose path you aspire to follow, go to that networking event, put your hand up to work on a project, ask for feedback and take it in your stride. Ultimately, do not be afraid of the unfamiliar because it can lead you to so many wonderful places, it can allow you to meet wonderful people and achieve things you never thought possible and it can show you where your passions truly lie. All it takes is you being brave enough to take the first step.

RACHEL: Lastly, if you could have dinner with any woman – living or passed, real or fictional, who would it be and why?

CALLI: Getting sentimental here, I am so lucky to have had incredible women inspiring me from a very young age, and shaping me into the woman I am today. So, it comes as no surprise that my dream dinner would be with my beautiful grandmothers who both sadly passed in 2020. In particular, my grandmother Poppy who was my biggest supporter – the first person to call me when my school reports arrived, front row at every school award ceremony, and always encouraging me to work hard, reminding me that I could achieve anything I set my mind to.

I would love the chance to share my recent successes with my grandmothers, just to see their smiles and hear their reactions would be everything to me. I would want them to know my accomplishments are a testament to the wonderful things they taught me and instilled in me!

Charlotte Olsen

Legal Counsel, National Rugby League

Tara-Kate Taylor, Law Graduate at McCullough Robertson Lawyers, chats with **Charlotte Olsen**, Legal Counsel at National Rugby League, about Charlotte's career and International Women's Day. Having always had an interest in sports media, Charlotte transitioned from private practice to an in-house role at the National Rugby League in 2021. Charlotte holds a Bachelor of Laws (Honours) and Bachelor of Communication and Media Studies (Distinction) and advises on a broad range of commercial, media and intellectual property issues. Outside of work, Charlotte is an avid sports fan who participates in swimming, netball and AFL.

TARA-KATE TAYLOR: Charlotte, thank you for taking the time to talk with me about your experiences in the Australian media industry. To start off with, could you please tell us about yourself and the type of work you do at the National Rugby League?

CHARLOTTE OLSEN: Absolutely! I am 27 years old, live in the Sutherland Shire and play a lot of (potentially too much) sport, including swimming, netball and AFL. I completed a Bachelor of Laws (Honours)/ Bachelor of Communication and Media Studies (Distinction) back in 2017, and actually wrote my Honours thesis on the efficiency of section 115A of the Copyright Act (as it was back then) in protecting sports broadcasts from illegal streaming sites. So sport and media has always been an interest of mine!

I am currently Legal Counsel at the National Rugby League and provide legal advice to the NRL business across a variety of areas including commercial contracting (sponsorships, marketing, media, services agreements to name a few), ad hoc legal advice to internal business units, advising on intellectual property related matters and managing the game's trade mark portfolio, policy development as well as risk, dispute and integrity related matters. It really is a very varied role where I interact with the game's different stakeholders which includes affiliated states and NRL/NRLW clubs. No two days are ever the same, and it is amazing to contribute to the governing



body that brings rugby league to our community, both at the grassroots and elite level.

TARA-KATE: I understand you previously worked in private practice, what drew you to your current role in sports media and how have you navigated what is largely a male dominated field?

CHARLOTTE: Having always been involved in sport since a very young age, it made sense that I would end up working in an area that I love. My first stint in the sports law world was when I worked for Football Federation Australia (now Football Australia), and I knew then that it was 100% for me. I worked as a commercial lawyer and then an intellectual property and technology lawyer, which assisted me in establishing a good foundation and understanding of the different areas of law that were transferrable to an in-house legal role. Working as Legal Counsel for the NRL has always been a dream job for me, and I am very humbled and privileged to have landed that role in the early stages of my career.

In relation to your comment about navigating a largely male dominated field, I think there has definitely been a positive shift over the past years not only from a sportsperson point of view, but also in high level sports executive and management related roles. It shouldn't matter whether you are female or male in the sporting world or any other industry – everyone has something to bring to the table and as long as you are passionate and good at what you do, that is all that really matters in my opinion!

TARA-KATE: With the increased investment given to female sports and its growing popularity, where do you think women's professional sport is headed from here?

CHARLOTTE: Women's professional sport is currently in an exciting growth phase. I think women's professional sport is positively influencing the younger generation of female sports stars and sporting codes should continue to invest more and more into women's sporting growth to ensure its sustainability into the future. This will include exploring what works and what doesn't from a fan engagement and participation point of view, and understanding and nurturing young female athletes at the grassroots level, while also striving for equality at the elite level. It is super exciting watching this space grow!

TARA-KATE: Following on from that, are there particular initiatives you have implemented at the NRL (or are in the process of implementing and can share) that you think others in the sports and media space could learn from in terms of equalising the playing field?

CHARLOTTE: The NRL has worked and continues to work really hard at building our women's game from the bottom up. What this means is that we are investing in our future female rugby league super stars at the grassroots level.

NRLW commenced in 2018 post the Jillaroos World Cup win in 2017, which was a major stepping stone for women's rugby league in Australia. There are

now elite offerings for female players in NRLW, Women's State of Origin and at an international level. The expansion of NRLW in 2021 saw the competition increase to six teams, which meant the number of elite female rugby league players increased from 88 to 144. The minimum player payment also increased by 100% from 2020 to 2021. There is also an under-19s Women's State of Origin, giving elite level opportunity to the next generation of NRLW stars.

Not only are we investing in female rugby league players, but we are also investing in our female coaches and officials. The Women In League Officiating Program helps develop female officials through state competition and, eventually into the NRLW and NRL systems. This year will also see the commencement of the Female Coaching Mentoring Program, where female coaches are given the opportunity to learn from some of the best in the game to develop their skills and experience and take the next step in their coaching careers.

There are still many things to be done in order to equalise the playing field, but it is awesome to see more female sport (including NRLW) on our TV screens, as well as the rapid increase in supporters, spectators and participants watching and enjoying female sports.

TARA-KATE: What are the biggest legal or industry challenges you foresee for the sports entertainment industry over the next few years?

CHARLOTTE: I hope that this is something that we won't be dealing with for much longer, but the introduction of a global pandemic meant sporting organisations had to rethink and re-strategize how we deliver sport. It meant that sporting organisations had to navigate keeping their players/competitors as safe as possible, while also continuing to promote and provide the consumption of sport to Australians. I know that, for me, during the pandemic the Olympic games and watching sporting matches on TV was something that brought me joy and hope of getting back to some sort of 'normal', and I think it really showed the power sport has in bringing people together. Continuing to be adaptive to change is something the sports entertainment industry will need to continue to embrace.

Technology is also continuing to advance and change as the years go by, and the way people are consuming sport is expanding. Social media and live streaming services are used by a predominant part of individuals that consume and participate in the sports entertainment industry. COVID arguably also pushed some sports to explore the potential

and value of e-sports perhaps sooner than may have been forecast. Technology advancement also includes athlete and game enhancing mechanisms. Sporting codes are likely to be presented with new ways to track data and enhance game flow and performance. Consideration will need to be given as to where these sorts of technologies sit within the sport entertainment industry.

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

CHARLOTTE: I think I would say this:

"Trust the process, believe that you are good enough to reach your career goals and most importantly, just be yourself. There will be moments where you aren't sure whether you are actually ever going to achieve your career goals and aspirations. However, if you stay motivated and above all else, passionate about what you do, and put in the effort to continue learning everyday (because you won't ever stop learning in this industry), then the rest will simply fall into place. Also, continue networking, meet new people and maintain current connections!"

TARA-KATE: Which female sports star would you love to have dinner with, and why?

CHARLOTTE: It would definitely be Cate Campbell. Swimming has always been a huge part of my life so there is an immediate interest there, but watching Cate go to four Olympics is pretty incredible. I think Cate's career also shows the highs and lows of being such a high-profile elite female athlete, and the immense pressure our sport stars are often under. In particular, I would love to sit down with her (perhaps over a pizza and a glass of red wine?) and recount a fond memory I have of her (sounds odd to start but hang in there and you will understand why).

I was glued to my computer screen (when I should have been listening to my teacher in my Animal Law class...) during the 100m freestyle final at Rio, and I remember feeling completely and utterly shattered for Cate at the end of that race. But equally, that moment made me like her even more as an athlete and as a person, as she then somehow picked herself up, vocalised her growth and intent to simply enjoy the Tokyo Olympics, and she did exactly that, while contributing to arguably some of the greatest female relay performances we have seen in the pool. I would love to ask her how she shifted her mentality and gained a new perspective on swimming. Because for me, that's sports star quality stuff right there. Equally, potentially being the nation's first five-time Olympic swimmer is an astonishing concept to be contemplating. I have no doubt that, like me, there are other individuals in the sporting world that can relate to and look up to someone like Cate.

TARA-KATE: Thanks once again for your time, Charlotte. On behalf of CAMLA's readers, we appreciate your insight and advice.

CAMLA CUP TRIVIA NIGHT

THURSDAY 12TH MAY 2022*
DOORS: 6:00PM - STARTS: 6:30PM

SKY PHOENIX
WESTFIELD SYDNEY
188 PITT STREET

\$700 PER TABLE OF TEN
\$70 PER PERSON
DRINKS PACKAGES ALSO AVAILABLE

BOOK NOW AT: WWW.CAMLA.ORG.AU/SEMINARS
ENQUIRIES: CONTACT@CAMLA.ORG.AU

*DATE MAY BE POSTPONED DUE TO COVID 19 DEVELOPMENTS AND PUBLIC HEALTH ORDERS



Deanne Weir

Chair, Ai-Media

Ellen Brown, Lawyer at MinterEllison, chats with **Deanne Weir**, former media lawyer and executive turned producer, investor and company director, about Deanne's distinguished career in the screen and technology industry, as well as her thoughts on International Women's Day. Deanne is the Chair of Ai-Media, Seer Data & Analytics, Sydney Film Festival, For Film's Sake, Global Sisters and Grata Fund. She is also the co-founder of Storyd Group, which invests in feature films from Australian female creatives, and the WeirAnderson Foundation, which supports cultural and civil society organisations. Deanne is particularly passionate about storytelling, change-making and gender equality.

ELLEN BROWN: Deanne, thank you so much for chatting with us about your career and International Women's Day. Could you tell us a little bit about your current role and how your career has led you to where you are today?

DEANNE WEIR: I have multiple roles across multiple organisations that are profit-for-purpose companies, or not-for-profits that are intent on changing our world for the better. Most of my time is spent on our businesses and film projects. With the technology companies, I work with management and fellow board members on strategy, investor relations and capital raising. With our film projects, it is all about analysing potential projects, reading scripts, talking with producing teams about opportunities ahead. With the not-for-profits, it is a lot about strategy, service delivery and fundraising. A consistent theme across all these activities is how to best manage relationships, and that is something in which I received great training through 20 years as an in-house lawyer turned business executive. After my Articles year in the early 90's I went straight in-house to Telstra and it was such an exciting time. Competition was a whole new concept, Optus entered the market, technology was exploding and the internet began to have an impact. I was so lucky to work with some incredibly talented lawyers and business leaders, with a big focus on regulatory and competition issues. To properly advise the business, I had to understand things from a legal, business and technology perspective and that super charged my interest in being more on the business side of things than the legal side. While I love the intellectual discipline of the law, I am also someone who has also had a passion for the risk-taking that goes with evolving a business, so it was inevitable that I would ultimately cross over from the law. Ending up at Austar, the pay-tv company, was a great next step for me as it allowed me to be closer to my passion for film and television. When that business was sold to Foxtel in 2012, I had the opportunity to bring both my experience and my capital to technology and media related companies as an investor and board member. The last 10 years have been fascinating!

ELLEN: What does a typical day look like for you?

DEANNE: One of the great joys of my life is that no two days are the same. One day I could be in strategy sessions or investor discussions for our ASX-listed company Ai-Media, the next I could spend the day reading several scripts that we are considering at Storyd Group, or visiting a film set for one of our projects. Or I could be lucky enough to be hearing about the great work of female-led micro businesses supported by Global Sisters, or talking with the team at the Grata Fund about whether we should support particular public interest litigation. My days are varied and usually very energising because I get to spend time with such diverse and fascinating people.

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

DEANNE: I would love to sit down with Flos Greig (Grata Flos Matilda Greig that is!), the first woman to be admitted to practise as a barrister and solicitor in Australia, back in 1905. What an extraordinary woman she must have been to fight against the prejudice and barriers she faced, firstly to even be able to study for a degree, and then to be able to practise. She was one of 5 sisters and 3 brothers, and her sisters were all trailblazers as well, in medicine, public health and education. The Grata Fund is named in her honour, and I think it is crucial to remember how hard fought the path to gender equality has been, and the critical role played within that struggle by the legal profession. I would love to get Flos's insights because I do worry that we seem to be taking two steps forward and one step back, and that the pandemic is going to see true gender equality delayed even further.

ELLEN: The 2022 International Women's Day campaign theme is #BreakTheBias. What does this mean to you and how would you suggest this is implemented in our readers' work and personal lives?

DEANNE: We all must accept that regardless of how unbiased we pretend to be about so many issues in life, we are all riddled with unconscious bias. Our attitudes and opinions



Deanne Weir

are influenced by much more than our intellectual analysis, it is also what we have seen, heard, and accepted as conventional wisdom over the course of our lifetime. One of the reasons I am so passionate about applying a female gaze to our storytelling is that I know my own attitudes have been influenced over decades by a cultural diet that showed patriarchal attitudes towards women. The role of women in so much of the screen content I absorbed in years gone by was dominated by an extremely limited perception of women's agency and their contribution to society, even more so when it came to women of colour, assuming they were even given screen time. Given the legal profession has such a significant role in protecting human rights, these sorts of unconscious attitudes that lead us to make assumptions about people must be caught upfront, acknowledged, and challenged. Whether based on gender, race, ethnicity, sexuality, or indeed any frame in which that person may be perceived as being the same as or different to us, such assumptions can lead us to form views that will influence how we interpret circumstances and evidence. Everyone needs to take a step back on every interaction and think about what is driving our own response before we start to make judgements.

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

DEANNE: Progress is being made, and that must always be celebrated. With such a large number of women now in positions of influence, the opportunity exists to evolve the justice system and the practice of the legal profession to ensure it works for a much more diverse group of stakeholders. While we can quibble about whether IWD suggests that 51% of the population has but one day a year to be celebrated, after the last couple of years we should take every opportunity for celebration we can!

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

DEANNE: Don't think for one moment that the fight for gender equality is over; there is still so much work to do! But the great advantage we have now is that there is so much more recognition that thinking men are our allies in progress here. They

understand that a more gender equal society is one in which everyone should have the freedom to pursue their needs and dreams based on who they are as an individual, and not dictated by societal perceptions of gender roles. Don't just fight for a seat at the table, fight for the opportunity to change the table once you are there. Also, it is critical to remember

that even as the professional spheres such as the legal profession achieve greater gender parity, this does not mean that the same is true across broader elements of our society. The profession needs to fight for equality both within, and under, the law, for everyone, not just lawyers.

Bird & Bird

CAMLA

Global Updates in Data and Privacy

Data and privacy regulation are in the midst of significant change affecting media and technology companies around the world. The pace of change is unlikely to ease as AI and other technologies develop.

This seminar will consider some of the key developments in Australia and will consider what else may be in store, through the lens of what is happening elsewhere in the world.

Topics will include:

- the Privacy Legislation Amendment (Enhancing Online Privacy and Other Measures) Bill 2021;
- the Attorney-General's Department Privacy Act Review Discussion Paper;
- developments in relation to defamation, including the Social Media (Anti-Trolling) Bill 2021;
- recent and proposed amendments to the *Security of Critical Infrastructure Act 2018* (Cth) including the Security Legislation Amendment (Critical Infrastructure Protection) Bill 2022;
- the proposal for an EU Data Act; and
- a global AdTech update.

Date: 6:30pm (Sydney time), 31 March 2022

Location: Live streamed online

Ticketing: CAMLA Member Live Feed: Free
Non Member Live Feed: \$25

Booking link: www.camla.org.au/seminars

Contact: contact@camla.org.au

Georgia-Kate Schubert

Head of Policy and Government Affairs at News Corp Australia

Marlia Saunders, Partner, Thomson Geer, Sydney, sits down with **Georgia-Kate Schubert (GK)**, the Head of Policy and Government Affairs at News Corp Australia, a role she has held for 10 years this year. Prior to that, GK has held policy, government relations and public affairs roles at Vodafone and the NSW Minerals Council, and worked as a media and policy adviser in the Federal Government. GK is the driving force behind Australia's Right To Know, a coalition of media organisations and industry bodies, including News Corp Australia, Nine, the ABC, SBS, Guardian Australia, The West Australian, AAP, FreeTV Australia, Commercial Radio Australia, Community Broadcasting Association of Australia, ASTRA and the MEAA. GK works tirelessly at driving law reform which impacts the media sector in a way that safeguards the freedom of the press and freedom of expression. She loves the beach, her pets and her yoga.

MARLIA SAUNDERS: GK, last year you were part of the team that won a Walkley Award, the Julie Andrews Award for Women's Leadership in Media for the #LetHerSpeak campaign. Tell us about that campaign and your involvement in it.

GEORGIA-KATE SCHUBERT: The #LetHerSpeak and #LetThemSpeak campaigns are run by Nina Funnell, a survivor of sexual assault. As Australia's Right to Know (ARTK) and as News Corp, we had been trying to get changes to laws in various states around Australia, which seem like they should have existed last century or the century before, because they actually prohibited survivors of sexual assault from being able to identify themselves and tell their own story and own their story. From a news-oriented perspective, this was an issue that was very important to us news reporters and story tellers, and it was quite perverse that survivors could not tell and own their story, whereas the perpetrators were not banned from doing so. So a group of us worked together to support Nina with the campaigns. Our first focus was in Tasmania and we were successful in getting changes to those laws. We're big believers at ARTK and News that news reporting has a real role in changing and shaping society for better and that was a big part of it.

MARLIA: What's another law reform initiative in the media sector in recent years that has been significant from a policy perspective?

GK: Queensland, for a long time, has been an outlier in that it was the only Australian State or Territory without any form of journalist shield law or privilege. The Queensland Government is actually implementing a shield law currently, which is enormous, because it's so important for journalists to enable them to report and to maintain the confidence of sources. Tasmania currently only has a privilege,

rather than an actual shield law as part of the Evidence Act – it would be nice to move that so there is a level of consistency throughout Australia. So Tassie, we might be coming to you next.

The other important reform is the defamation law reform. The uniform defamation law had been developed in 2005 and after being road tested over such a long time, the potholes were well known to everyone working in the area and there was no avenue for repairing the potholes other than legislative reform. So the implementation of Phase 1 of the defamation law reform in 2021 was a substantial achievement for ARTK and I'm quite proud of the part I played in that. I'm not a defamation specialist, but I think that after 15 years of laws being proven not to quite cut the mustard, there needs to be avenues to actually bring that conversation about and have constructive ways of trying to deal with that. The Defamation Working Group under the Council of Attorneys-General was very thorough and very diligent, and it was a constructive and well-considered process. I think it will be important now to see how those laws are applied, because that's the real test, and if they're still not meeting the objectives under the legislation then we need to have to be able to go back and continue this conversation with the lawmakers.

MARLIA: What's next on your wish list of reforms? How would you like to focus the media's efforts to effect change in Australia?

GK: From our participation with Nina and her #LetHerSpeak campaign, it seems to me that there's a space for Australia's Right to Know to play in participating in reforms and changes to laws across all States, and I'm thinking particularly about some work that we've done and submissions that we've written to the Women's Safety & Justice Taskforce in Queensland in relation



Georgia-Kate Schubert

to domestic violence and sexual assault. In addition to reporting on crimes after they take place, the media have a really important role to play in continuing to participate, move and support change in that area to seek to reduce the incidence of crime or potential crime in the first place.

MARLIA: There's such a patchwork of laws imposing statutory restrictions on reporting, which differ in each State and Territory, in addition to suppression and non-publication orders made by the Courts, which can be challenging for the media to navigate when trying to shine a light on these types of crimes with that goal of reducing their incidence.

GK: Yes, I know a lot is spoken about having a national unified approach to those sorts of things. I'm not sure that's necessarily essential. I think it's important that Courts can decide when to impose non-publication and suppression orders, but there does need to be greater transparency with reasons given and made available, so that media companies can actually see why they've been made and challenge them when we believe that they should not have been made. Improvements are needed to the practical application of open justice and the way in which the Courts and the media can actually work together.

MARLIA: In your job, particularly when you're working on these law reform submissions and initiatives, you have to work with lawyers a lot –

GK: Yes I do, and I love the lawyers that I work with.

MARLIA: I'm glad! Being a non-lawyer, what do you appreciate most about working with lawyers?

GK: The best thing is that they don't waffle like me. I think lawyers bring clarity to the world of policy. I couldn't do my job without them. I could give you a long list of lawyers who I've worked with, not just inside of News Corp, but in a range of other

organisations, who I can't thank enough – including my colleagues at the ABC, SBS, FreeTV - and a big shout out to Gina McWilliams and to you, Marlia, of course! The other mind blowing thing that I find - and it does blow my mind - is how fast and quick and accurate the lawyers I've worked with are and how they understand how laws apply in a range of jurisdictions. The lawyers can translate my sometimes airy-fairy policy language into legal language, and explain how it applies in a practical context because they are working every day with news reporters and journalists, so they have their finger on the pulse. I could never bring that to those conversations, so it is invaluable.

MARLIA: The theme for International Women's Day 2022 is #BreakTheBias. You've worked in a number of traditionally male dominated fields. How have you approached the workplace and your work in order to ensure that you are treated equally?

GK: I could get shot down for this, but it's very infrequently I've thought about this from a gender perspective. Recently, an intern asked me about gender pay gaps and

what I earned. I didn't answer, but I did ask why she had asked the question. She said as someone starting her career she wanted to make sure she got paid fairly compared to male colleagues. Whereas I have never really thought of it as a comparison – I always thought I should be remunerated fairly for the job I do, and it has never been about gender.

I love my job and I love what I do, and I've loved what I've done at all of the places I've worked. I think if I was unhappy and I wanted something to change, I would say something. The power to speak up and to re-choose is very important. I've never had anything more than support from the people around me, whether they be men or women, and I've been very open to feedback and I take pride in a job well done. Those are the important things for me.

MARLIA: Final question – what really interests you about current developments in the media/technology space?

GK: I realised at the end of last year I was far too ignorant about a whole lot of buzzwords – and they're not actually buzzwords, they're very real – including

the evolution of Internet 2.0 to Web3, blockchain, cryptocurrencies and NFTs. So I've immersed myself in learning more about these things, from watching videos of the Wall Street Journal's Joanna Stern living in the Metaverse for 24 hours and seeing how that might apply in professional life in years to come, to listening to Kara Swisher and Scott Galloway podcasts. What's interesting to me from a policy perspective is that cryptocurrencies have been around for almost 10 years, but only now are discussions being had within governments about whether there should be rules and regulation of them. We all know the wheels of government take a long time to move, and regulatory solutions sometimes fail to keep up with the pace of change. That whole world is really fascinating and interesting.

MARLIA: OK, one more question. If you could have a meeting with anyone in the universe, who would it be?

GK: Do they have to be alive? I would love to meet with Galileo Galilei. He's someone who thought differently and challenged the norm. No matter which century or which decade you're in, that's so important.

CAMLA ESSAY COMPETITION

CONGRATULATIONS TO OUR WINNERS!

FIRST: Adam Lukacs, University of QLD

SECOND: Nadine Mattini, University of Sydney

THIRD: Julian Sanders, University of WA



Gina Cass-Gottlieb

Partner, Gilbert + Tobin

With over three decades of experience (including 25 years as a Partner in the Competition and Regulation team at Gilbert + Tobin), a Fulbright Scholarship studying Anti-Trust Law and the completion of Honours in Economics, there is no doubt that **Gina Cass-Gottlieb** is a powerhouse in the competition law and regulation space. Her illustrious career at the forefront of competition and regulatory change has recently been recognised with Cass-Gottlieb being appointed as the first female Chair of the ACCC (starting late March this year). Ahead of the commencement of this role, she talks with **Jessica Norgard**, Senior Legal Counsel at nbn, about embracing diversity, practising at the intersection of economics and the law, and reflects on her impressive career to date.



JESSICA NORGARD: You've had a very impressive career so far - can you outline your career path to our readers, including how you positioned yourself as an industry leader?

GINA CASS-GOTTLIEB: A key factor in my career path was shaped right from University where I did honours in economics – I even paused as to whether I would complete my law degree. When I did decide to, I was determined to practise at the intersection of economics and law. I looked for options which would facilitate this, given that my university did not offer competition law at the time. Out of law school I was an Associate to Justice McHugh on the NSW Court of Appeal, and he understood my interest and suggested studying in the US (rather than the UK as I'd originally contemplated) and subsequently I went to UC Berkeley to study a Masters including Anti-Trust Law and Financial Systems and Services regulation. I then came back to work at Blake Dawson Waldron (now Ashurst) in the competition team, and then went into G + T. I enjoyed working in a young, small, vibrant and growing G+T team where the key focus was being very connected commercially in terms of communications and technology. This was around 1995, when exciting changes were happening in the industry, including the commencement of competition in telecommunications. I found that having a multi-disciplinary practice and always being connected to change has been critical to my career path. This includes designing and working with clients (including government and industry) in relation to new regulatory frameworks and structures to take account of change, and in economic terms where the regulatory framework needed to go. I think those elements, including the desire to always have an economic as well as legal focus, looking for change, and having regulation facilitate change, has always meant that I've been working with clients who are looking to lead as practitioners and clients.

JESSICA: What is your favourite aspect of practising in the competition and regulation field, and what has surprised you the most?

GINA: My favourite aspect has been that it is essential to really understand your client's business including where they sit in the market and what is dynamic about that market, the technology, the way suppliers are changing, market challenges (whether that be consolidation, global or regulation challenges), and the changing choices and needs of consumers relevant to the market. Before you can start to ask yourself a legal question, they are entirely tied into those business and economic questions, which means that everything is always new and refreshed. Every time you take on a new matter or request for advice, you have to keep learning and you are challenged in different ways – I've always found enthusiasm for the work as a result of that.

What has surprised me most is that even in the toughest of times I find that corporate clients have an open mind to understand what is important from the regulator's perspective. So rather than seeing things in an adversarial fashion, they have been open to seeing things in the public interest to which the regulator is minded to engage. I have always been impressed by the readiness of senior people in corporate clients to think about regulation in that way.

JESSICA: You've been a dominant figure in the competition arena for over 25 years – how do you stay motivated? (*bit of competition joke in the question there for the competition law aficionados)

GINA: The enthusiasm and creativity of young lawyers coming through the team has kept me very engaged. It is an honour and privilege to work with people who are so keen and bring new skills, new interest, and new questions - in a sense they refresh everything!

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

GINA: I found that the greatest risk was at the start of matters where we didn't know what the path was going to be to succeed. So, in effect we would have to come up with an approach, find a solution and then achieve it.

An example from a long time ago: I was called with 24 hours' notice to go to Los Angeles with Channel 9 and Channel 7 to negotiate the Pay TV agreements that became the underlying movie agreements for Optus Vision. At the time, we did not know whether we would achieve any agreements. I attended meetings that had no other women in them, either Australian or American. Initially a number of the executives were reasonably hostile to us and not that interested to speak. The key change was when one of the studios had an Australian at a reasonable level and he said to me that we needed to approach the negotiations in a different way and helped work on an approach. That was a totally new environment for me. After a couple of months there, we had enough MOUs that it was able to go ahead.

A second example is that together with EFTPOS and industry members, we designed the first access regime for a payment system to create access for new entrants to participate. We had to design it, consult on it with potential access seekers and system members, and then satisfy the Reserve Bank that it would be an effective access regime.

Both of these were examples of challenges where we started without knowing how we were going to meet the need, which was incredibly risky. In the end, it was about applying skills and capabilities along with a business, legal and technology understanding and working hard in a team to come up with solutions.

JESSICA: The 2022 IWD campaign theme is "Break The Bias". What does this mean to you, and how would you suggest this is implemented in our readers' work and personal lives?

GINA: You need to manifest that you are diverse – that you are different.

I attended a panel discussion with Catherine Tanna (former Managing Director of Energy Australia). This was around the time that people were asking whether women appointments were merely token. She said that people (especially women) need to

understand that if you are appointed, that you aren't just token, but that you need to live your diversity and manifest your diversity. It was an articulation of something that over time I'd learnt as being important, but she summed it up so brilliantly. This fits well with the Break the Bias theme. You need to identify the bias, call it out and then have confidence to be different. My advice is that you need to have confidence in your ability to contribute as a woman, and then to actively support other women. The key word there is "break" – you need to actively support other women and manifest and live your difference.

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

GINA: It would be Jane Austen. I love her work – she is a beautiful writer and has written such beautiful and feisty female characters who engage with men as equals, and despise being burdened by legal, social or economic inequality. She helped financially support her mother and sister at key times (because they could not inherit from the family wealth), so she was living the challenges that she was writing. She was published and only revealed as the author after her death – she

surmounted the insurmountable and didn't get the recognition she deserved until well after her death.

She also did interesting things for us as lawyers – initially she was in such a weak position that she gave away her copyright. When she realised that this was damaging, she then went to other publishers and ultimately she bought back the copyright.

I would like to meet with her and celebrate her.

Jennifer Dean

Special Counsel, Johnson Winter Slattery

Erin Mifsud, Lawyer for the eSafety Commissioner catches up with **Jennifer Dean**, Special Counsel at Johnson Winter & Slattery and CAMLA Board member, to celebrate International Women's Day. Jennifer is a competition and regulatory lawyer with a strong focus on the technology, media and telecommunications sectors.

ERIN MIFSUD: Jennifer, thank you so much for taking the time to discuss your career and International Women's Day 2022. You have had a great career in private practice, having recently joined Johnson Winter & Slattery after time with both Corrs Chambers Westgarth and King & Wood Mallesons. Tell us a little bit about your practice. Did you always seek out this kind of work? If so, what did you do to position yourself to land in this sort of role? If not, how did your career path lead you here?

JENNIFER DEAN: I am a competition and regulatory lawyer and advise clients on ACCC merger clearance processes, responses to ACCC inquiries and investigations, anti-competitive conduct issues, cartel matters, joint ventures and consumer law issues. My practice has a strong telecommunications, media and technology focus and I regularly act for telecommunications carriers, carriage service providers and global media and technology companies.

I ultimately stumbled upon this type of work, but it has continued to be fascinating, dynamic and intellectually stimulating. At this point, I can't really imagine doing anything else.

Personal relationships have played a huge part in getting me to this point and a strong professional network of mentors and peers is about the most valuable asset you can have.

ERIN: What recent events in the Australian TMT law landscape most affect your organisation/role?

JENNIFER: Regulation of digital platforms and data intensive businesses is evolving incredibly quickly at present. There are a

broad range of sector-specific measures currently under consideration, or being implemented, in relation to anticompetitive conduct, consumer law, online safety, data governance, regulated access and platform liability. The overall effect has been significant uncertainty and real challenges advising clients on how best to mitigate their regulatory risk.

ERIN: Are there any law reforms in your sector that you think are desperately needed?

JENNIFER: The current siloed approach to the regulation of media content and control regularly produces anomalous results and stifles innovation. There is a real need for a unified regulatory framework that is technology neutral and better reflects how content is now consumed.

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

JENNIFER: Everyone is busy, and people enjoy working with people who make their lives easier.

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

JENNIFER: I am really excited by the next generation of female leaders and they seem much better at holding their space and calling out bias and discrimination. I'm not sure that my advice would be of any real use, it's just great to see them really going for it.

ERIN: The 2022 International Women's Day campaign theme is #BreakTheBias. What does this mean to you and how would you suggest this is implemented in our readers' work and personal lives?



JENNIFER: The law is a predominantly female profession and has been for some time, but women continue to be underrepresented in senior roles. It's really hard to know why this has proved to be such a stubborn problem, but it does seem to be at least partly based on structural biases that result in a lack of recognition of leadership qualities in women. I do think we might be at a cross-roads though, and that meaningful change is finally coming.

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

JENNIFER: This is a hard one, but in the interests of good conversation, it would have to be someone funny and interesting, perhaps Amy Poehler or Joan Cusack.

ERIN: They are both great choices and would make for a very entertaining evening. Thank you so much for your time today Jennifer, and happy International Women's Day!

Gillian Clyde

Legal & Business Affairs Executive, Beyond International

Justin Kardi, Intellectual Property and Technology lawyer, Clayton Utz, jumps on Zoom with **Gillian Clyde**, Legal & Business Affairs Executive, Beyond International Limited, to discuss her colourful career in entertainment law and her thoughts on International Women's Day. Gillian is an experienced film, television, broadcast, media and entertainment lawyer and senior manager, with extensive experience in copyright, contract, media and communications law. Prior to joining Beyond Gillian held senior management and legal positions in the UK and Australia including at the UK Film Council, The Walt Disney Company in London and at Screenrights in Australia.

JUSTIN KARDI: Thanks for your time, Gillian. Can you start by telling us about your role and what a typical day looks like for you?

GILLIAN CLYDE: There is no such thing as a 'typical' day as each day tends to be very varied and often brings new challenges, especially during Covid times and working from home. One of the challenges of being a production lawyer these days is there are often things which come up at very short notice which require immediate responses, so you need to think and act quickly and be able to respond in a timely and efficient manner, often being up against production and shooting deadlines. As a general rule, however, I like to start the day with some yoga/meditation and some exercise, whether it's in the park or a quick game of tennis. I think it's really important to clear the mind and to move as much as you can during the day.

I work on all the dramas and scripted productions at Beyond, plus a range of co-productions, feature documentaries, some animated series and anything else which tends to involve complex deals and financing. On any given day I will usually be drafting and reviewing various development, production and financing contracts, attending meetings, providing advice on a range of legal issues, including copyright, contract and clearance advice, working on policy issues and submissions, reviewing scripts and when required, conducting legal program audits on completed programs.

JUSTIN: What sparked your interest in media and communications law? Is there a particular person, experience or event which was instrumental in shaping your career?

GILLIAN: My interest was primarily in entertainment law, having grown up in an environment which was very arts focussed - our home was often full of artists, musicians and writers! This is why I decided to get my

initial legal training at Tress Cox and Maddocks Lawyers (as they then were) as they had a strong entertainment law reputation and were a great firm. I then went and worked in London where I secured a job at the BBC, followed by the Australian Film Finance Corporation here, then back to London working for Disney (Europe) and the UK Film Council.

As far as what then led me to where I am, I was very fortunate to have worked at the BBC in the early days of my career, to really spark my interest in film and television production and distribution, and then to work for government film funding bodies, working on primarily feature films. I had also always wanted to see my name in the credits of feature films like the various lawyers I saw who did so. I managed to achieve that, including on a BAFTA and an Academy award winning film.

JUSTIN: What a thrill! That's such a meaningful achievement for anyone who has ever worked in production. Are there any recent events in the Australian media and communications law landscape that have affected your organisation or role?

GILLIAN: The biggest recent developments which have affected our industry would probably be regarding the production tax offsets and the Federal Government's proposed media reforms - primarily around the regulation of streaming services. The latter policy is yet to be determined and will depend on the federal election result to a large extent. However, given that most productions I work on are financed using the tax offsets to cashflow production, those tax benefits have a big impact on the ability to finance and therefore produce programs. The Producer Offset for television was recently increased from 20% to 30% and the further changes proposed by the Government which would have adversely affected the documentary sector in particular (making a lot of our documentary productions



unviable) didn't go through, thanks to intense lobbying from the industry and the Screen Producers Association. There are still issues regarding local content quotas, protecting drama, documentaries and children's content, in an environment where it is increasingly difficult to fund productions, so there will be more work ahead.

JUSTIN: As a leader in the field of entertainment law, can you share with us one example of another woman in the industry whom you really admire, and why?

GILLIAN: That is a very difficult question as there are so many women in the industry whom I admire. However, to name one or two women, I have always admired Lesley Power, formerly General Counsel at SBS, for her calm and considered approach to everything, her generosity, engagement with the industry and camaraderie. Equally, Nina Stevenson of Macleay William Lawyers has always been a great mentor, an exemplary film and television lawyer, and a great person. Both are examples of women who never need to 'blow their own trumpets' as their reputations and achievements speak for themselves.

JUSTIN: Finally, if there is one thing you would like to celebrate about the legal industry on International Women's Day, what would it be?

GILLIAN: I think the thing to celebrate would be the leadership, prominence and advancements of so many great women in the industry and the move to more flexible working conditions - long may it continue!

JUSTIN: Agreed! Thank you so much for sharing your time and insights with our readers!

Valeska Bloch

TMT Partner at Allens

Mia Herrman, incoming Graduate Lawyer at Optus, chats with **Valeska Bloch**, to unpack emerging developments across the media and communications law landscape and her leading insights on parental leave reform. Valeska Bloch is a Partner in Allens' TMT practice, at the forefront of legal issues associated with technology, data, media and cybersecurity with particular expertise in highly-regulated critical infrastructure and data-intensive sectors. Her practice spans transactional work, advisory, governance and crisis management. Valeska has been instrumental in the design and launch of some of Australia's earliest and best practice data governance frameworks and is highly sought after for her expertise in data breach crisis management, having advised on many of Australia's largest and most high-profile data breaches. Valeska was a founding member of the Allens Accelerate high-growth companies practice and is a member of the Business Council of Australia's Cyber Alliance group.



Valeska Bloch

MIA HERRMAN: Valeska, thank you for joining me today to discuss the current technology, media and communications law climate and some key career takeaways, in light of International Women's Day. If there is one thing you would celebrate about International Women's Day in this industry, specifically, what would it be?

VALESKA BLOCH: International Women's Day is such a fantastic opportunity to hear women's stories (I love a good story!) and to better understand their perspectives. Of course, this industry already plays an important role in telling women's stories every day of the year, but IWD provides a brilliant platform to really amplify and celebrate such important voices.

MIA: What recent events in technology, media and communications law most affect your role as Partner at Allens?

VALESKA: We now have a remarkable opportunity – by leveraging technology and sophisticated data analysis techniques – to better understand a diverse range of audiences and to personalise services. The challenge is that this is happening in a rapidly changing and increasingly complex regulatory environment that doesn't always keep pace with the technological change that we're seeing. Organisations are also (quite rightly) facing demands by consumers to handle their data fairly, ethically and transparently, as well as increased scrutiny by regulators on the ways in which they handle data.

That's a difficult balance to manage, particularly for organisations that deal with high volumes of consumer information, like the media and communications sector – but it's one that organisations are going to have to do their best to achieve. Having a robust data governance framework with clear accountabilities and a focus on effectively embedding good data handling practices throughout all operations is key. We've seen a lot of organisations really start focussing on designing and rolling out these frameworks over the past couple of years and it is not only radically improving compliance, but it's also providing business benefits – fewer bottlenecks, greater consistency and better response times and resilience in the event of a data breach.

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

VALESKA: It's not a particularly sexy one but I think the Spam Act is well overdue for an overhaul. It came into effect at a time when modern marketing methods were not yet a twinkle in the eyes of legislators. Applying the Spam Act, Australian Privacy Principle 7 and the Do Not Call Register to current marketing practices should not involve the legal gymnastics that we've come so accustomed to over the past few years.

MIA: Turning now to your important work on Allens' parental leave scheme reforms, what further parental leave developments would you like to see on more widescale basis in the legal industry?

VALESKA: There has been an enormous step forward in the way that parental leave is being approached over the past few years, both in terms of the policies organisations are creating as well as the way that they are implemented. It's one thing to have a supportive policy but if there's an unspoken notion that, for example, taking leave permitted under a policy is frowned upon in practice, this is almost worse than having no policy at all.

It has been especially pleasing to see the increasing dissolution of the distinction between primary and secondary carers. When we first rolled out our parental leave reforms we received a lot of great feedback from women, but also from men, who valued the ability to provide their families with additional support and more flexibility in structuring care in early parental years.

For what it's worth, I found personally that having time away from work on parental leave was wonderful, not only because it meant that I could spend it with my kids, but because it also gave me some much needed perspective – which was good for my family, for me and for work! Taking some time out of your career whether for parental leave or for a career break, can be just the thing you need to function in a high-pressure career for a sustained period of time.

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

VALESKA: The best advice was to read and listen broadly. Aside from keeping things interesting, it has helped me keep the broader context in mind and make connections between seemingly disparate issues. Plus, as

we know in this industry, there's so much to learn from great storytellers. Communicating with clients is such a critical part of what we do and there's a real craft to being able to tell stories and communicate messages well.

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

VALESKA: It's probably fairly low risk in the grand scheme of things but given the relentless pace of change in this industry, I feel as though I've had to constantly reinvent my practice throughout my career, as technology and business models have transformed and as the law has tried to keep up. That can be unnerving but it's also a lot of fun to throw yourself into something you've never done before, or that has never been done before. And over time, you get comfortable with the process of trying to solve problems that you haven't encountered before.

Another (again low level!) risk was being made up as Partner when I was on parental leave for the first time. I came back to work after nine months off and suddenly needed to generate a practice, which felt daunting. But I was fortunate to have a huge amount of support from my family and my team. Plus, there were some real benefits in coming into the role with a fresh perspective and having a very clear delineation between the pre and post-Partner path. It meant that I could come back to work being more strategic about what I would focus on and how I should be spending my time.

MIA: What developments do you see on the horizon in 2022 for media and communications law?

VALESKA: Two key ones jump out.

The Privacy Act is going through its first major overhaul since 2014. Considering how far we have come in terms of the sophistication of what we are doing with data nowadays, this is going to have a significant legal and operational impact on every organisation.

The other is that Big Tech is now taking on almost every sector (not just the media sector!). Australia has been at the forefront of a lot of these issues, but the rest of the world is starting to follow suit. Seeing how that plays out is going to be a fascinating ride.

MIA: Valeska, thanks so much for joining us, happy International Women's Day!

Ita Buttrose AC OBE

Chair, Australian Broadcasting Corporation

Calli Tsipidis, Legal Counsel at Foxtel and Chair of the CAMLA Young Lawyers Committee, sits down with **Ita Buttrose AC OBE** to discuss Ita's thoughts on International Women's Day in 2022 and Ita's legendary career in Australian media. Ita is an Australian journalist, businesswoman, television personality and author. Ita is currently the Chair of the ABC. She was women's editor of the *Telegraph* at 23 years old, and was the founding editor of *Cleo*. At *Cleo*, Ita pioneered a high-circulation magazine aimed at young women that was frank about sexuality and famously was the first to feature nude male centrefolds. Ita also became the editor of *The Australian Women's Weekly* and was appointed Publisher of ACP's Women's Division from 1978-81. Thereafter, Ita became the Editor-in-Chief at the *Daily Telegraph* and *Sunday Telegraph*, making her the first female editor of a major metropolitan newspaper in Australia. Ita was made an Officer of the Order of the British Empire in 1979, an Officer of the Order of Australia in 1988. In 2003, she was awarded the Centenary Medal and was made a Companion of the Order of Australia in 2019. In 2017, Ita was recognised for Outstanding Lifetime Achievement at the Kennedy Awards for Excellence in Journalism, and was the 2013 Australian of the Year. She holds multiple honorary doctorates, including for her distinguished service to various health causes and for being an inspirational role model to aspiring women in business.

CALLI TSIPIDIS: You undoubtedly have a wealth of experience in Australian media, could you please tell us what drew you to media at the young age of fifteen, and what has inspired you to stay in the industry?

ITA BUTTROSE: I knew at 11 that I wanted to be a journalist and it's a decision I have never regretted. All the good things in my career have happened through journalism. I followed in my father's footsteps - he was a journalist, editor and author and his influence on me was strong. As a schoolgirl I used to discuss the news of the day with him. What I most love about journalism is its unpredictability. You never know what the day will bring. Journalism ticks all the boxes for me. I am proud to be a journalist. Journalists are truth seekers; we inform people and provide information that helps them make decisions. We expose corruption and corrupt people and most importantly, we give people a voice. As a journalist there have been times when I have been able to make a difference and journalism offers that same opportunity to people wherever they live. Journalism plays a crucial role in safeguarding democracy. The current hostilities between Russian and Ukraine are a reminder that journalists are fearless in reporting truth and information.

CALLI: Over the course of your career, what would you consider to be the most significant development in the Australian media and communications industry and why?

ITA: Without doubt the introduction of the Internet. It removed communication barriers and swept away our isolation. When I started work in 1958 it used to take two days to fly (by Qantas of course) colour film for use in *The Australian Women's Weekly* from the UK to Australia. The Internet allowed us to transmit colour photographs in minutes. Suddenly, knowledge and information easily made their way across the world. The Internet transformed the way we published, for the better.

CALLI: You have been a true trailblazer for women in the media industry, and have paved the way for women in leadership positions in this industry. While we have made progress, there are and have historically been, very few female leaders of major Australian media entities. Why do you think that is? Is change happening at a satisfactory pace? What, if anything, should be done differently?

ITA: Female representation in leadership is changing but it is slow. Many leadership decisions and appointments are still made by male dominated boards and corporate decision-makers. Media employs a great many women, probably more than many other industries, and gradually women are being appointed to senior roles. Gender balanced leadership leads to better decision making. It's encouraging that mastheads like *The Australian* and *The Sydney Morning Herald* have women in senior editorial roles. The hours that come with top media positions are often challenging for women with children, especially small children. Flexible hours are essential. I am hopeful that COVID with its lockdowns and working from home will remove some of the barriers that have hindered women's rise to the top. Reports show that productivity did not falter when people worked from home. This knowledge might help advance women's progress. Women in media are not alone however. Chief Executive Women research reveals that women hold only six per cent of leadership roles in Australia's top companies.

CALLI: If there is one thing you would celebrate about International Women's Day in the Australian media industry, what would it be?

ITA: The better recognition of women's contribution - women are now seen and heard in the news media as leaders, experts, commentators and opinion makers. The ABC is proud to be a part of the global BBC initiative, the 50:50 Equality Project, which has increased the contribution of women as expert talent across our programming. I am pleased to report the ABC is regularly



hitting that 50:50 target for representation of women and we have successfully piloted expanding the project to focus on increasing representation of Indigenous and culturally diverse Australians, and people with disability.

CALLI: What's the best professional advice you have ever received?

ITA: "Don't pussyfoot Ita." The Finance Controller at Australian Consolidated Press was encouraging me to close a deal. In other words, don't be afraid to make decisions. By all means think things through but then stop procrastinating and act.

CALLI: One of the 2022 International Women's Day campaign themes is #BreakTheBias. What does this mean to you and how would you suggest this is implemented in our readers' work and personal lives?

ITA: We can break the bias by consistently challenging it in the workplace and personally. Over the years women have learned from each other by sharing their stories. We must continue to do that, like brave Grace Tame and Brittany Higgins who refused to be silenced and spoke publicly about their experiences of sexual violence and abuse. Their stories are unforgettable; their leadership inspiring. Women need to share experiences of bias and collectively need to vocally challenge such discrimination. Together women can bring about change. We owe it to ourselves and the women who will follow in our footsteps to continue to make our voices heard.

CALLI: Finally, what advice would you give to the next generation of female leaders in the industry?

ITA: Believe in yourself. Don't let the blinkers of others stop you from going after your goals. Believe in the future of the media, particularly journalism. There always will be a need for professional, factual journalism delivered by skilled journalists. Don't be frightened of change; it offers opportunities. Opportunity is often unexpected; you need to be able to grab it. Journalism has given me myriad opportunities for which I always shall be grateful. I've enjoyed them all.

Her Honour Judge Penelope Wass DCJ

Judge of the District Court of NSW

Her Honour Judge **Penelope Wass** DCJ was sworn in as a judge of the District Court of New South Wales on 18 April 2016. Her Honour was admitted as a solicitor of the NSW Supreme Court in August 1991, and started her career at the Commonwealth DPP, where she practised for 9 years. She was called to the New South Wales Bar in February 2000 and held chambers on Sixth Floor Selborne Chambers. Her Honour had a diverse criminal and civil practice at the bar, including both civil and criminal appeals. She was appointed senior counsel in 2013. From July 2014 to April 2016, she sat as a Senior Member (Appeals Panel and Occupational Division) of the NSW Civil and Administrative Tribunal. In her spare time, her Honour enjoys ocean swimming, rowing and golf. Judge Wass spoke with **Marlia Saunders**, Partner, Thomson Geer, Sydney, about her Honour's career and thoughts on International Women's Day.

MARLIA SAUNDERS: When did you decide you wanted to become a lawyer, and what was it that inspired you to study law after completing your Bachelor of Arts degree?

JUDGE WASS: I had little idea of what I wanted to do when I finished school. I must have had some inkling as I studied some law subjects as part of my Bachelor of Arts degree. In fact, I hated studying law for the most part, and vowed to finish my studies merely because I had started them.

It was only at about the age of 24, when the inspiration to practise law took hold. In my desire to flee mid-tier commercial litigation, I took up a position as the Supreme Court's first Common Law Division legal researcher. It exposed me to the Criminal Law in all its expression of the human condition, which I found fascinating.

I was lucky to be at the Court at the time of the Royal Commission into the charging of police officer Harry Blackburn, as the then head of the Common Law Division, Jack Lee AO QC, was made Commissioner, and I was tasked to work directly for him. Justice Lee had been appointed to the Supreme Court the year I was born, and I found him to be a fierce, steely-eyed old-school and clever judicial officer. Initially I felt completely intimidated and out of my depth, and frankly there was little by way of support for young lawyers at that time; I simply struggled through. The experience was at once daunting and transformative, particularly because it exposed me to my first taste of advocacy, watching the late Chester Porter QC at the height of his powers as Counsel Assisting. The late and great journalist John Slee was thought to have described him once as the "smiling funnel web", and whilst Slee brushed that aside, it was an apt testament to Porter's courteous and beguiling performance as he lulled the unsuspecting witness into concessions. I was immediately hooked.

MARLIA: When you worked at the Commonwealth DPP, your colleagues included a number of people who would go onto become judges, including (but not limited to) Justice Payne, Justice Wigney, Justice Bromwich and Justice Fullerton – what are your reflections on your time working there, and why do you think so many of you ended up being appointed to the bench (in other words, what's the secret)?

JUDGE WASS: I joined the Office of the Commonwealth Director of Public Prosecutions at a time when the organisation was relatively new. With former judge of the Court of Appeal of the Supreme Court of Victoria Mark Weinberg AO FAAL QC as the Director, the Office at that time had a culture that required the upholding of the highest levels of probity, fairness and ethical standards. There was no "win at any cost" mentality and indeed prosecutors did not speak of winning or losing cases much. What was expected was an independent, objective and intelligent approach to the prosecution policy, a fair presentation of evidence and confidence in the jury system. Accordingly it attracted those of the calibre of the people that you have mentioned, who also, for the most part, had fled commercial law to work in this extraordinary environment. I feel privileged to have been assisted by Justice Fullerton in that regard and I was equally fortunate to work directly with the others you have mentioned, from whom I learned so much. They also remain great friends. In addition, I value the mentoring I received from Hugh Dillon, who later served as the Deputy Coroner for many years and who has also become a dear friend.

I am pleased that the great contribution made by those working in the CDPP at that time continues to be recognised, in the form of the latest District Court appointment of Penny Musgrave, whom I regard most highly for her intellect, sharp-wit and integrity.



Her Honour Judge Penelope Wass DCJ

MARLIA: What is one of the most memorable cases you have worked on?

JUDGE WASS: That's a tricky question and you'll forgive me if I talk about three that stand out.

The first was when I appeared as a barrister for the family in an inquest involving the death of Nadine Haag. The forensic evidence was fascinating, and the family was exceptional in its compassion, its attention to detail and its resolve in trying to bring justice for Nadine. It was personally and professionally challenging and at times extremely distressing and frustrating. Much has been written and said in the media about that case, with details still coming forward more than a decade on. That is often the nature of inquests and unexplained deaths, and I will say no more about it, other than that it still leaves me with an ongoing sense of sadness and regret that I was not able to see that case reach what, in my view, was the appropriate outcome. Hopefully that will not always be the case.

The second case occurred recently when I was the sentencing judge. It is reported in *R v AB* [2022] NSWCCA 3. Not only was AB an exceptional young man who offended in the most extenuating of circumstances, but the decision by the Court of Criminal Appeal has confirmed the need for sentencing judges to retain appropriate discretion to deal with the myriad circumstances that come before them, and to be able to sentence appropriately within the whole range that is open to them. It was a decision that I came to against the submissions of both the prosecutor and defence counsel in the sentencing proceedings and so it also showed me that at times judges need to be fearless and back their own judgment, even in an adversarial system, and to not fear, and indeed to welcome, that our decisions will be scrutinised.

Finally, the case of *Lee v R* [2020] NSWDC 770 comes to mind. That case provided me with an opportunity to record the need for all those involved in the legal system – judges, lawyers and journalists – to respond appropriately and respectfully to the often complex and nuanced decisions that are required, particularly in respect of those who are mentally unwell. Something which I my view is, sadly, often lacking and where we all need to do better.

MARLIA: You have mentored a lot of female barristers during the course of your career. How important is mentoring for women in law?

JUDGE WASS: The Bar is rightly proud of its “open door” tradition of mentoring, something that I have tried to carry through to my time on the Bench and I have mentored a lot of women. With still relatively few senior women in our ranks there is much to do.

I think that mentoring all young lawyers is extremely important, not only for women. It demystifies the profession, and provides an example of where young lawyers can go in their careers; it gives valuable practical experience; it provides a confidential sounding board for legal and ethical concerns; and it exposes young lawyers to networking connections otherwise not open to them. In particular, my experience of mentoring young Associates - and I try to take a new graduate every year or thereabouts - has been a wonderful one. I have made some life-long friends of both younger barristers and my Associates. Hopefully in the future they will visit me at the nursing home with their stories. I have learned as much from them as they have from their time with me.

I have tended to mentor mostly women, but that has been a result of happenstance rather than by design. I suspect it is also the case, that women approach me for mentoring because of my gender. Frankly, I long for the day when equality in the law (and not just before the law) will be such that lawyers will just be called lawyers, judged only on the attributes that contribute to the practice of law.

We tend to concentrate on trying to eliminate the gender imbalances and biases, rather than addressing the irrational fears of the “other” more generally. I suspect that this is because the march towards true equality is so slow, and those who have traditionally held positions of power in the law and who have had to give up some of that space to allow even women in, have been at times so obviously challenged by it, that change has had to come incrementally. To steal the words of the wonderful RBG, I suspect it is true that «real and enduring change happens one step at a time.” Pushing for women in a traditionally male dominated field has been that one step, but I am impatient for equality for all humans in all fields of endeavour. In my view, the job will only be done when we are all simply humans selected on our merit, without obsession about, or fear of, our genitals, our gender, or our genes.

Another thing that RBG purportedly said was, “fight for the things that you care about, but do it in a way that will lead others to join you.” For me that’s what mentoring is all about, and not just for women.

The mentoring I have undertaken with young lawyers has been a wholly satisfying experience for me. I am constantly in awe of their brilliance, hard work, senses of humour and ability to cut through the dross that despite our best efforts still surrounds them in the form of bias, bigotry and boorish behaviour.

MARLIA: The theme for International Women’s Day 2022 is #BreakTheBias, which focuses on the push for a gender equal world. Have you experienced gender bias during your career, and if so, how did you overcome it?

JUDGE WASS: Gender bias is obviously still an issue, and I have seen many examples of it over the years. It was rife in the 1980s when I started my professional life. I recall that one of the best lawyers in a firm that I worked in was made its first female partner, not because she was bright and worked extremely hard, or because she served her clients so well, or because she made so much money for the firm, but, as the head litigation partner would have it, “so they would have someone to make the tea”. No one appeared outraged, and the women awkwardly said nothing about it.

I was told once when I was a barrister, supposedly as a compliment, that I cross-examined like a man. And whilst I was not really sure what that meant, the stupid and offensive nature of it was clear. The fact that it came from another woman was and is astonishing to me. We have a long way to go in my view. The persistence of male and female stereotypes, and indeed the assumption of binary rules regarding gender, is disappointing.

I should record that I was extremely fortunate to spend my career as a barrister on Sixth Floor Selborne Chambers, where many great women, such as Governor Margaret Beazley AC QC and Chief Justice Lucy McCallum, had already made smoother the way for those of us lucky enough to follow, where the members of that floor created wonderful opportunities for all their barristers, and where I sensed no real impediment to my career by reason of my gender.

To cite an example from the Bench, although perhaps a trivial one and no doubt a clear example of the useless nature of the gendered pre-nominal, judges, who are clearly female, are still often addressed in correspondence as “His Honour”. It is telling because it provides a short sharp lesson that many still assume that judges will be men. Part of the problem is, of course, the judges come from a pool that includes barristers and only about 25% of barristers are women, despite the much higher numbers that have graduated from universities over decades. The percentages are starker in the senior positions, where female Senior Counsel account for only

about 14% of that cohort. So perhaps people simply play the percentages.

It is a perennial problem that the government, undoubtedly in seeking to move towards more equitable figures in the judiciary, does so at the expense of the senior Bar and partners in law firms. And women suffer the slings and arrows of the labels that they are “token” or “diversity” appointments, often from those who are too blind to the opportunities that have come to them, by the mere fact that they have lived their whole professional life in the bubble of male dominance and acceptance. Ironically it is often only the women who question whether they are in the position they are only because of their gender, and strive to do better as a result.

Desmond Tutu is reported to have said, “there comes a point where we need to stop just pulling people out of the river. We need to go upstream and find out why they’re falling in.” I think we know why they are falling in. We need to reconstruct the banks of the river.

In my view the problem can only be overcome by fostering all kinds of diversity at all stages; at home, at school, at university, and then finally in employment. I appreciate that it is a big river. However, only when diversity is the norm and becomes entrenched, will it endure. The answer to the seemingly intractable problem is undoubtedly to encourage and support women to stay longer in firms and at the Bar. Unfortunately we lose good people along the way, discouraged by that lack of diversity in the first place.

MARLIA: What career advice would you give for young lawyers who have an ambition to go to the bar – or even the bench?

JUDGE WASS: Find out as much as you can about working in the law; there are so many different kinds of jobs, even in areas of specialty. Experience all areas of the law and work out what you like. If you still like the idea, do it. With the right systems in place, the Bar is intellectually and financially rewarding. It is flexible. It has a collegiate atmosphere that is rare amongst competitors in the market. Connect yourself with people as much as you can. Surround yourself with those who will lift you up and disconnect from those who undermine your confidence, because you cannot do the job without confidence and a clear sense of self. And do it, do it, do it. There is nothing to fear other than fear itself.

As for the Bench, if they want to give up all that flexibility that the Bar offers, and to move from pitching the argument, to determining issues and assisting, as best they can, people at the worst times of their lives, then I can only encourage them to pursue that. It is equally collegiate and highly rewarding.

Each of the Bar and the Bench has been wonderful in its own way and for someone who doesn’t love the law for its own sake, but realises that it is an invaluable tool to do justice, I could not have asked for a better career.

Mel Scott

Senior Legal Counsel (Global) at Megaport

Nicola McLaughlin, solicitor at Kay & Hughes Art and Entertainment Lawyers, sits down with **Mel Scott**, Senior Legal Counsel (Global) at Megaport to discuss what it's like to work for a global technology company. Mel has practised as a lawyer for 10 years and has previously been awarded the Lawyers Weekly Corporate Counsel 30 Under 30 Award. In April 2020, Mel launched her very own podcast entitled "Counsel", where she discusses all things about being an in-house lawyer.

NICOLA MCLAUGHLIN: What does a typical day look like for you?

MEL SCOTT: Wake at 5:15, off to the gym or Pilates to hunt for endorphins, reply to social media messages over coffee, film a quick TikTok OOTD before the main hustle begins.

Life in-house for a tech company is ever changing. No two days are the same. My mornings are full of meetings with my US colleagues, including my General Counsel, who works remotely from Los Angeles. I can work from home or the office and design each day around what is in my calendar. I then check Ironclad (our contract lifecycle management software) for new matters assigned to me or updates on existing matters that require my review.

It's always a mixed bag: commercial contract review, advice to the Procurement team, check over a bespoke clause in a new Employment Agreement, review a Data Processing Addendum, chat over training requirements with our Information Security team, work with local external counsel in Mexico – the most recent country that we've launched in. Lunch and meditate away from my desk. Reset for the afternoon. Meetings with the APAC team before our EU colleagues come online and need a little legal love.

Most evenings I am working on my passion project, the Counsel podcast – a podcast for in-house lawyers, creating content for social media and scheduling content for the coming days. Or I'll be binge watching 'Succession'.... again...

NICOLA: 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?

MEL: Right now, March 2022, I am living my best legal life.

I have an incredibly fulfilling job, in a great team, led by an awesome human that is also a kind and inspiring leader. I get to travel internationally for work (pre-covid and again, in July this year) and learn new things every day as we expand into new countries and develop new products.

I also have scope to bring my side hustle to life and the full support of my employer.

To be honest, I have worked hard to manifest this life into reality. I began working with a mindset coach in 2017 to help me with my career vision and purpose. Since then, I've been very deliberately taking steps to make it a reality – asking for opportunities that interest me, putting myself outside of my comfort zone and following my curiosity and that brings me joy.

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

MEL: Work consistently to be known as a safe pair of hands: reliable and accountable, known for doing what you said you would. This applies to every stage of your career but is an especially valuable trait in early career lawyers.

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

MEL: Transitioning from top tier private practice to in-house at 3 years PAE. Traditional thinking at the time was that this was "too soon" and I would "regret it". It wasn't and I don't. But going against the grain and being the subject of judgement in that environment was hard at a young age. I worried that maybe I was leaving Big Law too soon. I'm forever grateful that I stuck to my guns and followed the little voice inside of me that led me down the path less travelled.

NICOLA: How do you unplug from work?

MEL: Quick meditation reset during the day is crucial. Focussing on breathing and refocussing my mind is the best way I know to unplug. Even 5 minutes makes a difference. I use the free app, Insight Timer.

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

MEL: My maternal great-grandmother, Dorothy. I have so many questions about her young adult years working as a lady's maid and travel companion for wealthy



widows. She was living it up in Sydney before her mother died suddenly and she had to return to outback NSW to raise her siblings and then she had seven children of her own.

NICOLA: The 2022 International Women's Day campaign theme is #BreakTheBias. What does this mean to you and how would you suggest this is implemented in our readers' work and personal lives?

MEL: We always have work to do to break down our own internalised bias as to what we are capable of and what we can achieve. Constantly question self-limiting beliefs and push yourself to break the barriers imposed on you by society, family and other conditioning.

You cannot be what you cannot see so look for the brave women around you, in the home, at work and in the media – the trailblazers and the truth tellers. They will often be labelled as "too much" or "too loud". That is how you know they are agitating for real change and should be admired.

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

MEL: When it comes to sexual harassment in the workplace, enough is enough. Speak up and call it out. When a lewd joke is made, ask "what do you mean by that?" and make them explain themselves. We are more powerful than we know. It is our time to reset the rules of acceptable workplace behaviour.

NICOLA: Thanks so much Mel! On behalf of CAMLA and all of our readers, I'd like to extend a special thank you for taking the time to chat to us. Looking forward to listening to your podcast!

Karen Andersen

Group Owner, Commercial & Contract at Telstra

McCullough Robertson's **Ellen Webb** sits down with Telstra's **Karen Andersen** to discuss International Women's Day and Karen's brilliant career in the telco industry. Karen is a senior in-house lawyer with over 20 years' legal and commercial experience in the IT, telecommunications and media industries. Karen has a proven track record in complex corporate and government contracting and key adviser to senior management on all legal and commercial aspects of supplying ICT services to Government and large enterprise customers. Karen currently leads Telstra's Senior Commercial Managers and Contract Managers, to help Telstra achieve its financial goals, minimise risk, and deliver for its customers.

ELLEN WEBB: Karen – on behalf of CAMLA's readers, thank you very much for taking the time to talk with me about your experiences in the Australian communications industry. In celebration of International Women's Day, in this edition we are putting a spotlight on some of the talented women in the telco industry. Could you please tell us about yourself, and the sorts of work you (and your team at Telstra) do?

KAREN ANDERSEN: Hi – I'm the Head of Telstra's Commercial & Contracts team in Telstra Enterprise. My team of talented Commercial Managers and Contract Managers help to negotiate and manage over \$6 billion worth of contracts for Telstra each year. We manage all of Telstra's customer contracts for corporate and government customers – from small businesses right through to the largest Government contracts, for a wide range of telecommunications, managed services and SaaS. Whilst Telstra's core offerings are mobiles and data, most of our large contracts now are for a much broader offering of ICT services, including IoT, managed services, network application services and security services. Part of the fun working at Telstra is the broad range of products and services we provide to our customers – there is always something new to learn about!

I've been at Telstra for the last 14 years. I started off in the Telstra Legal team, supporting NSW Government contracts and International, then progressed through as one of the leaders of the Customer Contracting legal team supporting Telstra Enterprise. In May last year, I decided to leave the Legal team and join Telstra Enterprise to head up the Commercial & Contracts team. I was interested to further develop my commercial skills, as well as driving transformation in the way Telstra contracts with its customers. Telstra Enterprise was also implementing Agile at Scale at the time, that gave me a new adventure to learn new ways of working.

ELLEN: Is your current role one you've always known you wanted? If so, what did you do to position yourself to get it? If not, how did your career path lead you here?

KAREN: I don't think anyone dreams of specialising in Government contracting, or heading up a Commercial & Contracts team. I've been a lawyer for over 20 years now, and was looking for a new challenge, that could leverage my existing skills and interest in legal operations and stretch me into new areas.

I started my career as a media lawyer at Blake Dawson Waldron, specialising in copyright law (you may have heard of "The Panel" tv show copyright case that I ran for Network Ten in the late 1990s/2000s). I really enjoyed working at Blakes, and had the support of a great media partner – Paul Mallam – whom I learnt a lot from. After 10 years there, a Telstra secondment came up, so I decided to take the plunge and try something new.

I realised on day 1 that I loved working in-house at Telstra. After 18 months on secondment in a variety of roles, I transferred permanently to Telstra and settled in the legal team supporting Telstra Enterprise. I discovered that I really like working with teams of people to get deals done – it's a good mix of drafting, project managing ("herding cats") and negotiating, to build something new. After 8 years as a government lawyer (and having 2 kids in the process), I then took on a legal leadership role, managing the government lawyers at Telstra, and helping to improve the way we provided legal support for this work using both processes and legal technology. Legal operations/automating contracts have become a new interest for me in the last few years, and so when this opportunity came up to really drive transformation in the way we both draft and manage contracts, I was interested to make the jump.

Now as the Group Owner for Commercial & Contracts, I am driving our push to standardise and automate more of our contracts. This program will take many years, and is not without its challenges when customers want to use their own contracts, but we have made a lot of progress this year.



ELLEN: Having extensive experience in the telco industry, what has been the biggest change you have seen? Are there particular changes you see on the horizon in the next few years which you're especially excited about / which you think will have real impact (either for individual Australians or particular industries)?

KAREN: I've seen huge changes in the telco industry in my 14 years at Telstra. When I started, our main product offerings were fixed voice, mobiles and data, and there were about 4 main players in the market. Now, Telstra adds new product offerings each year that supplement and enhance our connectivity offerings. We are pushing the boundaries in IOT with driverless cars, managed mobility and professional services, SaaS and security offerings. We compete against hundreds of suppliers in multiple markets. Increasingly, data and mobile connectivity have been commoditised – customers view it like electricity – they just expect it to work anywhere, regardless of the physical or geographical barriers to the technology. Telstra's growth over these last few years has been to package connectivity with a range of other services that it provides in-house or partners with S&MBs to provide.

ELLEN: The 2022 International Women's Day campaign theme is #BreakTheBias. What does this mean to you and how would you suggest this is implemented in our readers' work and personal lives?

KAREN: #BreakTheBias means to me to double check any biases at the door – even as women. We are all guilty of biases in some form or another – it's important to acknowledge them, and ensure we are giving everyone equal opportunities for each role that comes up – and encourage a wide array of applicants for each role. Whilst I'm not a fan of quotas, I want to ensure the best candidate is chosen for each role, regardless of gender, race, religion or preferences.

I work in what was once a very male dominated field. When I first started supporting Telstra Enterprise deals, I was often the only woman in the room. Now, I'm happy to say Telstra Enterprise has come a long way to promote women into a range of technical, solutioning, delivery and management roles that were traditionally all male. We still have a long way to go, but it is getting better. In my Commercial & Contract team, we are about 50:50 male and female. Many of our high performing senior commercial negotiators are now female. I'm proud of that.

ELLEN: What is the greatest challenge you've faced or risk you've taken in your professional career? What was the impact of the challenge (and are you glad you tackled it)?

KAREN: Probably joining the Telstra Enterprise Legal team, when my background was purely in media law advice work/litigation to that point. Yes, it took 4-6 months to get up to speed with Government contracting, but I came in

with an open mind and gave it a go. Whilst 1,000-page contracts can appear scary from the outside, the deals that they represent have given me a great sense of professional pride, which is the reason why I've stayed in this area ever since. I've worked on contracts that helped homeless people apply for social housing in 30 minutes through their mobile phone (rather than a 16 page paper application form that would take weeks to implement); a contract to build the "Fires Near Me" application for NSW Rural Fire Service, and the rollout of Telstra fibre broadband to every primary school and high school in NSW (the largest single customer fibre network in the Southern Hemisphere at the time). And so, yes, I'm extremely glad I challenged myself in that way, and took that risk.

Now the challenges I face are how to get the work done in the most efficient and cost-effective way. Cost pressures are everywhere, and automation will only go so far when you are dealing with complex solutions. The challenge today is finding the right mix of technology, process and human judgement.

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

KAREN: 1. Take opportunities as they are presented to you. I've had to persuade many female lawyers to apply for jobs that they were hesitant about, because they didn't meet all the criteria. 2. Let people know what you are interested in – they can help you find opportunities. 3. Seek out mentors – there are lots of leaders who are happy to meet up with junior staff to give them advice. If you don't have a mentor program at your workplace, just reach out to someone you admire and see if they'll have a coffee. I've had a few mentors in my career, and they have each provided me insights, support and guidance that have been invaluable. I'm now returning the favour.

ELLEN: Thank you once again for your time, Karen. On behalf of CAMLA's readers, we appreciate your insight and advice.

THE CAMLA PODCAST

NEW EPISODES NOW STREAMING



AVAILABLE EXCLUSIVELY TO CAMLA MEMBERS

CAMLA

Michelle Caredes

Senior Corporate Counsel at Paramount Network Ten

Dominic Keenan, lawyer at Allens, speaks with **Michelle Caredes**, Senior Corporate Counsel at Network Ten and Paramount ANZ (formerly ViacomCBS ANZ) to discuss her thoughts on International Women's Day, her perspective on a career in law and advice for future lawyers.

Michelle is the Senior Corporate Counsel at Paramount ANZ and is responsible for the management of a broad range of commercial legal matters including data management and privacy, technology and distribution arrangements for the company's channels and services (including 10, 10 Peach, 10 Bold, 10 Shake, 10 Play, 10 Speaks and Paramount+) and also works on sports rights agreements. Prior to this role at Network Ten, Michelle was Legal Counsel at Nine Digital (commencing back when it was ninemsn) and she began her career in private practice at Corrs Chambers Westgarth focussing on IP, advertising and technology law. She has always held a strong passion for the media and entertainment industries.



DOMINIC KEENAN: Michelle, thanks so much for taking the time to speak with us today. I know your practice is broad and you work on a wide variety of matters. What does a typical day look like for you?

MICHELLE CAREDES: The wide scope of matters in my practice area ensures there are rarely two days that are similar... and that variety is what I love about my role.

Initially, *after* breakfast (the most important meal of the day!), I review emails and set the day's priorities. That said, in a dynamic company operating in a dynamic industry, priorities can change quickly! This is particularly so as my practice supports a diverse range of business teams including Digital, Sales, Technology, Data & Insights, Sport, Communications, and Operations teams.

My typical day is generally spent partly in meetings and partly 'doing the work'. The meetings are predominantly with internal clients discussing their legal queries and proposed arrangements. There may also be meetings to negotiate a contract with a counterparty. The challenge is preserving enough time in the day to review and draft documents. There may also be calls with colleagues in the legal team. I'm lucky to be a member of a collaborative team that, despite us all currently working separately from our homes, is always available to each other to bounce ideas off as may be needed.

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

MICHELLE: It's a little cliché... but "outside your comfort zone is where the magic happens". Basically, to trust your own skills and abilities, and push yourself out of your comfort zone. I think staying curious about unfamiliar topics, taking on a variety of opportunities and giving them your best efforts (while it can be daunting at times) helps to build your resilience and confidence.

DOMINIC: Did you always want to work in media or technology law? If so, what did you do to position yourself to get to the role you are in now? If not, how did your career path lead you here?

MICHELLE: I've been interested in the media and entertainment industry from an early age and was lucky enough to enjoy my high school work experience program at the Nine Network. However, I'd be lying if I suggested that the path to this point was linear. As I always had a deep interest in Intellectual Property, for a time I thought I would use my combined Science/Law degree in the field of biotechnology patents... Spoiler: that didn't eventuate. Early in my career in my private practice years I practised in an Intellectual Property, Technology and Competition team which provided a strong foundation and experience in practising IP law, advertising law and technology law. After a few varied secondment experiences, the shift in-house in the media industry was very appealing and fortunately my experience was well suited for practising law in this industry. My first in-house legal role was at ninemsn (as it was then) and later was known as Nine Digital. A few years later I joined the Legal team at Network 10, now Paramount ANZ.

DOMINIC: What recent events in the Australian media or privacy law landscape most affect your organisation and role?

MICHELLE: The release of the Privacy Act review discussion paper in October 2021 is a key development in privacy law reform. It proposed wide-ranging and significant privacy reforms that would apply on an economy-wide basis. As I advise on arrangements concerning our digital services, data management and privacy law compliance, any significant privacy law changes will require assessments of, and changes to, various technology arrangements and processes.

Also, policy makers in various markets are considering regulation of AdTech and, separately, the big technology companies are making changes to the way their platforms process data (for example, Apple's updates last year to its mobile devices' operating system made fundamental changes to Apple's AdTech ecosystem). To assess the impacts of such significant technology changes proposed by the big technology companies, I need to maintain a current understanding of how data is processed by the big technology companies that are relevant to Ten's business - that can definitely be challenging!

DOMINIC: What energises you about your work?

MICHELLE: My colleagues. As I mentioned, I'm lucky enough to work with colleagues from across a broad range of business teams. I'm briefed by people that are deeply passionate about their specific areas of work and genuinely enjoy explaining relevant details to you (whether it be UX designs or data architecture as examples), their enthusiasm is contagious and inspiring as we collaborate and develop solutions.

DOMINIC: What's a professional risk that you've taken?

MICHELLE: When I was in private practice, I was offered the opportunity to relocate interstate for a few months on short notice (less than a week) and commence a full-time secondment at a beer company. There seemed to be many reasons against agreeing to take up this opportunity. While the company was the firm's client, I had not previously worked with them and had no understanding of their particular business or legal needs or priorities; it meant handing over carriage of all my current matters and clients; and there was the obvious

disruption to personal life. Also, I don't drink beer. Just don't like the taste of it... and I don't know a pint from a schooner or a middy!? So, if I agreed to this secondment, in many respects I was going to be a 'fish out of water'. Despite these apparent drawbacks, I was just curious enough to follow my gut and say yes to that opportunity. As it turns out, I loved my time on that secondment, I learned a lot and within a week or so I found that I was feeling passionate about the projects the company was working on... that, as in-house counsel, I was helping the company progress and achieve. The absurdity of me, hater-of-beer, feeling fulfilled by beer-related legal matters was a revelation. Taking that risk on that secondment experience was indeed worth it as it helped me clarify that I wanted to make the move in-house.

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

MICHELLE: An incredibly hard question to answer and I'll likely change my answer day-to-day... so today's answer is Iris Apfel. She was an interior designer, launched and ran an international fabric manufacturing company with her husband and became well known later in life for her distinct, eclectic personal fashion style. In 2005, Iris was 85 years old and at that time relatively unknown when the Metropolitan Museum of Art in New York dedicated a show to her collection of clothing and jewellery. After having lived such a long and rich life since 1921, she would have many stories to share, and it'd be interesting to hear her perspective on so many issues. Plus, I think her vivacious approach to life would be inspiring to be around... even if just for one meal.

DOMINIC: The 2022 International Women's Day campaign theme is #BreakTheBias. What does this mean to you and how would you suggest this is implemented in our readers' work and personal lives?

MICHELLE: In order to "break" the bias, we need to first identify and acknowledge the bias or stereotype that may be at play in a situation and then call it out whenever it occurs to try to 'break' it. Often people are not aware of their bias in their conduct and are not aware there's a problem with what they are doing. So, even if it feels uncomfortable to you, calling it out can be helpful to them.

This theme also suggests that, on a personal level, you should take time to reflect and assess whether you may be holding any self-limiting beliefs about yourself. If you have been hesitating to try something (or even whether to contact someone in the industry to ask for a coffee or chat)... truly question what is holding you back?

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

MICHELLE: Well, happily, this is a very hard question to answer. I feel privileged to be able to say there are lots of impressive and admirable female colleagues (current and former), counterparties with whom I have negotiated and external advisers with whom I have worked. There are also various inspiring women who are leaders in their field who I have heard speak at various (pre-Covid in-person) functions ranging from technology industry leaders and media agency leaders to General Counsels. Those women who I particularly admire are authentic and they find time to encourage and champion others.

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

MICHELLE: I think there are three things I would say to the next generation of female leaders:

1. Stay curious and ask questions.
2. There are no wasted conversations. You can learn something from every conversation (even those that you wish to immediately forget!).

3. Also... be comfortable with change because this industry is relentlessly changing at a fast pace!

DOMINIC: Michelle, that's all of the questions we have for today. Thanks so much for being a part of this year's International Women's Day edition of the CLB! It has been great to speak with you and hear your insights.

BOOST YOUR CAMLA CORPORATE MEMBERSHIP

Why limit your CAMLA corporate membership to just 5 members?

Add your colleagues for only \$60 per person per year so they too receive the many benefits of CAMLA membership including an annual subscription to the *Communications Law Bulletin* and discounts on CAMLA seminars.

if you'd like to take advantage of this great offer, Please contact Cath Hill at:

contact@camla.org.au

ELECTRONIC COMMUNICATIONS LAW BULLETIN

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

Please contact Cath Hill: contact@camla.org.au or (02) 4294 8059 to indicate your delivery preference from the following options if you have not done so already:

☐ Email ☐ Hardcopy ☐ Both email & hardcopy

Natalie Kalfus

Legal Director for Australia and New Zealand at Netflix

Eli Fisher, co-editor, sits down with **Natalie Kalfus**, Legal Director for Australia and New Zealand at Netflix to discuss her thoughts on International Women's Day in 2022 and to celebrate the incredible contribution Natalie is making to the media law community. Natalie began her career as a lawyer, working at Mallesons in the IP and M&A teams in Sydney. After 5 years there, and a further year at Linklaters in London, Natalie moved in-house to work at Warner Bros. Entertainment where she spent more than ten years including as Vice President, Legal & Business Affairs for Warner Bros. Home Entertainment, Asia. In 2017, Natalie joined Netflix in Singapore where she led and built the legal team responsible for working with the Netflix Marketing, Publicity and Communications teams across APAC. In the last year, she has returned home to Sydney to take on a role with Netflix's legal team for Australia and New Zealand.

ELI FISHER: Natalie, thanks so much for talking to us about your career and your thoughts on International Women's Day in 2022. You've had a mix of private practice and in-house experience. You've worked at a major media company that's about to celebrate its hundredth birthday, and you currently work at a media company (the largest in the world) which is younger than us. You've worked across the EMEA market, the UK, Asia and Australia/New Zealand. How did your career path lead you to where you are today? Did you seek out a diversity of experience deliberately?

NATALIE KALFUS: Thanks, Eli. How wonderful to have the opportunity to speak with you and be part of CAMLA's 2022 IWD edition - thank you!

That's a great question! I'd love to say that my career path was premeditated but some of it has been a result of serendipity. Curiosity, a thirst for learning new things and a passion for entertainment might have also played a part...

I studied Art History and Law at UNSW and even back then had a strong interest in intellectual property and the application of the law within creative industries. I clerked and then worked as a graduate at King and Wood Mallesons (back then it was Mallesons Stephen Jacques). I started out in their M&A team but sought out media-related deals. When my first graduate rotation was coming to an end, I expressed my interest in moving to the firm's IP team. This was a hotly contested seat but I felt strongly that this was the direction that I wanted to take my career. I was successful in securing the seat and working with the Mallesons' IP team. This experience in IP would prove to be invaluable in laying the foundations for where my career would take me next.

I decided to take a leave of absence and move to London to seek new experiences, both personally and professionally. After a stint at Linklaters, I moved in-house with Warner Bros. working with their EMEA Home Entertainment team primarily covering the UK, Spain and Italy. This was my dream job and it was where I really cut

my teeth in entertainment law. It was also right in the middle of Warner Bros.'s release of the Harry Potter film franchise so it was a very exciting time to be at the Studio.

A few years later I relocated to Singapore for personal reasons. I remember being really bummed about the possibility of having to leave my dream job and my husband pushed me to see if there were any opportunities at Warner Bros. in Asia. And it turned out there was - or they at least made one for me. Working for Warner Bros. in Asia allowed me to deepen my experience as a regional counsel - working across continents and cultures.

Netflix launched across Asia (and various other parts of the world) in 2016. It was the new kid in town and everyone was talking about it. They were changing the industry and I wanted to be a part of that new frontier. I spent almost a year interviewing with Netflix on and off. Eventually we scoped out a role that piqued my interest - building and leading the regional legal team that partnered with Netflix Marketing, Communications and Publicity teams across APAC. This move turned out to be one of the best decisions that I've made. Being part of the Netflix journey as it established itself across Asia was exhilarating. Having the opportunity to hire, train and build out a new team was extremely rewarding. But all good things must come to an end and it was time for me to move back home.

I remember the first time I met Reed Hastings, Co-Founder and Co-CEO of Netflix. It was early 2019 and he was visiting the Singapore office. Reed often arranges 1:1 meetings and dinners with the Directors at Netflix. He asked me if we should open a Sydney office. Never did I imagine that three years later I would be working in that office.

ELI: What does your role as Director of Netflix's ANZ legal team involve on a day-to-day basis?

NATALIE: I handle all things legal for Netflix ANZ with the exception of local production which is handled by our stellar talented



Natalie Kalfus

Business & Legal Affairs team. This means that I work with our Marketing, Public Relations, Partnerships and Public Policy teams and provide local support to our other corporate functions. The wonderful thing about my job is that each day is different. One day I might be preparing a submission on proposed legislative reforms, negotiating with a major telco and reviewing a creative concept for a TikTok challenge.

ELI: What energises you about your work?

NATALIE: Coffee, kidding. I really enjoy the challenge of finding a path to yes for the business. I think most lawyers are naturally risk-averse as we are taught to think about risk elimination rather than minimisation. However, what excites me is trying to unpick risk to help find pragmatic and creative solutions. The Netflix Legal team's approach to risk is very pro-business so it's a great environment for commercial lawyering.

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

NATALIE: The biggest one that I think about is how we are going to effectively tackle regulation of the Internet. This is by no means a new issue but one that may be very relevant with certain futurists predicting an exponential increase in technological advancements in the next decade (not to mention the Metaverse!). The issue that keeps me up at night and has also been the topic of numerous lively dinner party debates is the fundamental inconsistency between the (borderless) internet and our contemporary national legal systems.

ELI: What do you celebrate about International Women's Day? What is the triumph that pleases you most?

NATALIE: On International Women's Day I like to celebrate the incredible female mentors that I've been lucky enough to have in my life. All the firsts that these women have had to accomplish - breaking glass and bamboo ceilings - to pave the way for future generations of women that follow in their footsteps. Special shout out to Nicola Wakefield Evans and Katrina Rathie

who were the best role models that I could have asked for as a young lawyer. They are both trailblazers who taught me how to command the room when needed, be an empathetic leader and the importance of bringing your whole self to work.

ELI: What do you lament most on International Women's Day? What are your most urgent concerns?

NATALIE: That it's 2022 and I still have to tell my daughters that they can do anything and everything. My most urgent concern is the importance for young women to feel confident and safe in their own sexuality closely followed by the interplay between power and gender dynamics.

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

NATALIE: There are a few things that stand out: (1) from when I was in private practice, always know about the people in the room before you get there, and (2) from when I moved in-house, no matter how hard you try you will never get everything done so know when to call it a day.

ELI: Can you tell us about your involvement in Netflix's Women@ network in Singapore?

NATALIE: With pleasure. I helped set up the Women@ Netflix Employee Resource Group (ERG) in Singapore. I did this after noticing that many of the smart young women who I worked with often did not speak up, especially in larger forums. As someone who suffers from imposter syndrome and has had to find my own voice at work, I believe in the power and solidarity of the sisterhood and the duty to lift others as you rise. It gave me much joy to be told by other women that I worked with that this group allowed them to be seen and to feel heard and supported.

We did one project for IWD a couple of years ago which stands out. It was called "I AM ...". We asked female employees to think about themselves in the workplace and complete the sentence "I AM ...". We then asked one of their colleagues to complete a similar sentence starting "SHE IS ..." (reflecting on their colleague) and revealed the answers to both individuals at the same time. It was incredibly insightful and moving to see how we (women) see ourselves versus how others perceive us. To the right are pictures from that project.

ELI: Do you attribute some of the professional successes you've had to date to certain things about how you were brought up?

NATALIE: My mother was a single working mum so she wasn't able to be the kind of hands-on mum that some of my friends had. That meant I had to sometimes figure things out for myself. Like when I told her I wanted to be a vegetarian at seven she told me then I'd better learn to cook for myself. As a result, I'm a pretty decent cook but I'm also very good at problem solving.

ELI: Do you have advice for hypothetical interviewers raising three daughters (asking for a friend)?

NATALIE: I tell our girls (I have two daughters) regularly that they can do

anything. I think it's really important to message this to girls from a young age. We started doing this when a boy at pre-school told our daughter that she couldn't be an astronaut because of her gender. It's also important for girls to understand that as women they can have it all, but not always at the same time (and that's okay). I think it's also really important for parents of boys and young men to be aware of the role they need to play in disrupting gender bias. We should all be engaging early with our kids (regardless of their gender) on the topic of difference and exploring topics like gender, race, class, ability and religion with them. It's also important to talk about consent and body autonomy early and often.

ELI: The 2022 International Women's Day theme is #BreakTheBias. What does this mean to you and how would you suggest this is implemented in our readers' work and personal lives?

NATALIE: We all have bias, much of which is unconscious. Gender bias and rigid gender norms are things that we are all exposed to often from a very young age, whether that is through what we read, what we watch and what we hear. For me #BreakTheBias is a great reminder that we all have the power and responsibility to recognise and overcome our biases (whether conscious or unconscious). As members of the media industry, many of us are also in the privileged position of being able to influence culture and #breakthebias through the stories we tell and the characters that are represented on the screen.

ELI: I loved Reed Hastings' book No Rules Rules, and I think about it often still. Do you think that the best solutions to solving problems of unequal opportunity are driven by law? What role can company culture play? What role can technology play? What are some ways that you've seen organisations effectively #BreakTheBias in the course of running their business?

NATALIE: There are many different tools that can be used to help break gender bias. I am open to trying them all and seeing what sticks but, as you have implied, a "rules based" approach is not always the most effective way to bring about change as the motivation behind the need for change is a key factor.

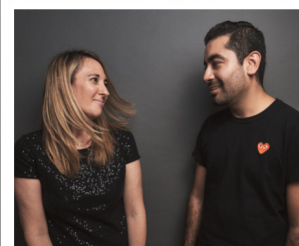
Closing the gender pay gap is a good case study. In some countries, policies/laws have been implemented that place the burden on employers to show that they pay men and women equally for equal work. Iceland was the first country to implement this back in 2018 under their Equal Wage Management Standard. Salary transparency is a corporate culture driven solution that can be used to try and solve the same issue. This is something that we have implemented at Netflix for employees above Director-level but I believe the adoption rate of similar policies at other companies is low. Data and technology can also be used to help identify pay inequity (e.g. through pay equity analysis). In summary, I don't think there is one silver bullet for how to best solve these types of issues and sometimes a multi-pronged approach may be needed.

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

NATALIE: The late Ruth Bader Ginsburg. This woman was at the top of her field. She overcame sexism and was a staunch advocate for women's rights at a time when all the odds were stacked against her. She had the courage to stand up and fight for what she believed was right and made seismic change for women in the legal profession. What a legend, what a legacy. It makes me think of the words of Kamala Harris during her inauguration speech: "While I may be the first woman in this office, I will not be the last".

I also admire and applaud the other selfless women who stand and speak up to bring about change for those that come after them. Closer to home, I'd like to call out the courageous and amazing work that women like Grace Tame and Chanel Contos are doing in speaking out for the survivors of sexual assault and about the importance of consent education. They may not be in our industry but their advocacy does have an impact on policy and law makers (e.g. affirmative sexual consent laws).

ELI: On behalf of all our readers, thank you so much for sitting down with us. Happy International Women's Day, Natalie!



**NATALIE
& SHREY**

Her Excellency the Honourable Margaret Beazley AC QC

Governor of New South Wales

Her Excellency the Honourable Margaret Beazley AC QC is New South Wales' 39th and current Governor. Her Excellency was appointed as a judge of the Federal Court of Australia, the first woman to sit exclusively in that Court. She also was the first woman appointed to the New South Wales Court of Appeal and subsequently, the first woman appointed as President of that Court from 2013 to 2019. Looking back, it is manifestly clear that Her Excellency has paved a way for women in taking leadership positions within the legal profession and beyond. She speaks with **Ashleigh Fehrenbach**, Senior Associate at RPC and co-editor of the Communications Law Bulletin about International Women's Day, the power of communication and what energises her about her work.

ASHLEIGH FEHRENBACH: Governor Beazley, I'm delighted to be speaking with you about International Women's Day. Before we get to that though, can you tell us how your career path led you to where you are today?

GOVERNOR BEAZLEY: You know, my career path has been quite one directional. After a year of articles, I was admitted as a solicitor for six weeks. I then went straight to the Bar, stayed and was fortunate enough to take Silk. About three years later, I was appointed to the Federal Court. Three years later, in 1996, I was offered a position on the New South Wales Court of Appeal. That was quite unusual as Judges don't change between courts very often but when the position was offered to me on the Court of Appeal, in many ways it fulfilled a hope that I had as a Silk where I really wanted to focus on appellate work. In 2013, I was appointed the President of the Court of Appeal. I hope I had been doing a good job as a lawyer but once you take on a very specific leadership position with the institution in which you work, it demands more of you. It also enables you to give more back. I felt very privileged to have been appointed as President. I really do look upon that as a highlight and a very constructive time in my career as a lawyer.

In terms of where I am now, I am the Governor of New South Wales. Interestingly, I am only the second lawyer to have been a Governor. The Honourable Gordon Samuels, 36th Governor of New South Wales, was also a judge of a Court of Appeal. Ironically, he was the very first appellate judge I appeared before as a very young lawyer. I'm quite 'chuffed' to have that connection, although it is somewhat attenuated. But one finds that there are all those little links in the chain that make up your entire career and which add interest, colour and memories.

Having a lawyer as a Governor in NSW is unusual, even though there have been a variety of careers that Governors have had. For the most part – except for three of us – there has been a strong military element in all previous Governors' careers. Gordon Samuels was a judge, Dame Professor Marie Bashir was a psychiatrist and public health official. My immediate predecessor General David Hurley, a general and chief of the Australian Defence Force, continued that strong military lineage. Why was I chosen? One does not know! What I do know about the process is that as a Governor comes up for retirement, there is a lot of consultation by the Premier with others. I gather there is also a degree of lobbying (which I was not part of, I can assure you!). I assume that my role as the President was something that had placed my profile a little more broadly than just within the legal profession. It was the Premier's recommendation to Her Majesty the Queen which was accepted and that led me to the position I am in today.

I wasn't extensively known outside the legal profession. In fact, a couple of people came to me and said "But who are you? We don't know who you are!". In a way, these were significant statements for me. In my first 18 months to two years, I was very conscious that it was important for me to get out into the community as far and as widely and as often as possible to ensure that the role of the Governor was well-known. I also considered it important that the community and particularly the patronage organisations really felt supported by the Governor. That was my philosophy and work ethic at the time and seems to have worked very well. It continues to be my approach to the role today.

ASHLEIGH: What skills have been most important so far throughout your role as Governor?



GOVERNOR BEAZLEY: I think communication has been a defining aspect of my role to date. That is something I consider to be very important in reaching out to the community, especially during times of crises, including during the terrible summer bushfires in 2019-2020 and during COVID. As a lawyer you have to be a communicator and a listener. Aside from my legal skills and legal knowledge, those aspects – communication and listening – have, I believe, placed me in good stead to carry out the role.

I also feel that anything I say, whether to communities in crisis or not, has to have significant thought put into it. I don't like platitudes. Rather, I like to say something that will make people think: "Oh, I hadn't thought that way before"; or "I had never asked that question. In its own way, I would hope that this contributes to the thinking of an intelligent and civil community. I started a speech at the launch of a film "Entanglement" the other day by saying "Women have to stop listening". It can be difficult for a lot of women to hear that because I think that by nature many women are brilliant listeners. It was an interesting way to start the conversation. I waited for the reaction then continued by saying "The more women listen, the less they speak".

That is what I mean by saying something different in order to make people think. To be able to think analytically, to think outside the box and to think laterally, are all skills which seem to fit into the way I see this role and how it works for me.

ASHLEIGH: Let's now turn to International Women's Day. If there is one thing that you would celebrate about that day in the legal profession, what would that be?

GOVERNOR BEAZLEY: There are so many of us. That is something to celebrate but it should also be unremarkable. Underlying that is that women's abilities are no longer questioned. They are now a significant part of the profession and are able to practise without so many of the barriers that were around when I was at the Bar. That is wonderful to see. I think it is exciting to be able to continue to support women so that they really feel comfortable, supported and honoured in the profession. There are still many issues for women. I am not blind to that – but there is a lot to celebrate. In turn, the present generation can and must provide support to new young professionals.

One of the things I have been saying for the last few years is that, on one level, we have heard a lot of stories, but to ensure that change continues, you need data. Without the data, which forms the business case for change in the corporate world, you are just going to be talking about stories. Data has impact. Whilst the use of data shouldn't silence the stories, you do need that hard data to explain why improvements still need to be made and to point out where areas of inequality remain.

ASHLEIGH: Absolutely. What important developments do you see as being on the horizon in the communications and media legal landscape?

GOVERNOR BEAZLEY: My answer to that is more directed to a concern that I have, and that is, although we cannot do without social media, there must be a way in which social media can be controlled much better than it is. The trolling of women in particular, journalists and female sports people is atrocious.

The question which has not been properly asked is: what do we mean by free speech? Free speech is, as I understand it, an ability to express an opinion which is different from somebody else's. I have no sense of free speech which allows an individual to be abusive, so I think there is a lot of work to be done in the communications and media space generally. I think there needs to be a much greater understanding of and much better education on what we actually mean by free speech. I do not believe there ought to be any person who has a public profile who should be fair game – for being told they are going to be assassinated, for being told their children are being watched or being told that they are ugly. The extraordinary abuse which goes online is a concern. The question is – how do you deal with that?

There is discussion around the proposed anti-trolling laws in Australia and whether

or not they really will achieve their aims. Policies may be put in place but that does not stop the trolling itself, leaving the only real option of going to Court. It is a legal minefield which many people may not bother to try to navigate.

ASHLEIGH: Can you share a little bit about what energises you about your work?

GOVERNOR BEAZLEY: I think I am just a fortunate person who has energy – it helps given the heavy workload of judges and lawyers generally. Some work can become routine. However, my view is that every case you work on is important to those involved: the client, the litigant, their families. It is the way you deal with that case, the way you examine it, the way you analyse it, the way you try to do it efficiently. They are the things that should energise you – doing each case or matter well.

In my present role, I get letter after letter, card after card which says thank you – thank you for coming to visit us, thank you for writing on my 100th birthday. I had one beautiful lady who reached 100, who wrote to me and said, "I know you don't know me, but I felt that you were writing to me personally". That type of exchange energises me. The way you do things has an impact, not just the fact that you do them. It makes a person feel valued and there can be nothing more significant in a person's life than to feel valued.

ASHLEIGH: If you could have dinner with any one woman living or passed, real or fictional who would that be?

GOVERNOR BEAZLEY: I would not mind talking to Angela Merkel. I think that would be pretty terrific!

But you know the person who I would really like to have dinner with is an Indigenous elder. The women I meet when I am out in regional areas have a lot of experience. There is a lot of sadness. They have experienced a lot of discrimination and rejection just because they are Indigenous and yet so many of them speak with such wisdom. It is the wisdom they have that I love. It is their stories that we need to listen to.

ASHLEIGH: What advice would you give to the next generation of female leaders coming through the legal profession?

GOVERNOR BEAZLEY: Concerning the present generation, you must put your hand out to support them. There is absolutely no doubt about that. Women sitting on the top really must be prepared to find ways to create systemic change which will allow change downwards right through the profession. In many ways, I think the present generation are doing that very well in ways which we did not. We did not take time off. You were

expected to be at your desk the whole time. At the Bar, you would not take maternity leave because you are self-employed. But now, barristers are taking six months off when their children are born. Young women today are looking at their career with a wider lens.

In terms of advice for their future, as a leader you have to support downwards as well as seek to engineer change upwards. It is important not to forget the battles that you had, but they are not necessarily the battles of the present time. Every generation has their own battles and their own issues. The point I wish to stress is that the battles of today should not be the battles of the succeeding generation because those should have been fixed.

ASHLEIGH: Thank you so much for your time and your insights.

GOVERNOR BEAZLEY: It has been a pleasure.

Rachel Launders

General Counsel and Company Secretary at Nine Entertainment Co

Marina Olsen, Partner at Banki Haddock Fiora, talks with **Rachel Launders**, General Counsel and Company Secretary at Nine Entertainment Co, about International Women's Day and Rachel's illustrious career in media law to date. Rachel's early career included being a lawyer at ASIC before moving to Gilbert + Tobin, where she worked for more than 16 years including 13 as a partner. During her time at G + T, Rachel was also the Acting General Counsel at PBL Media. At the end of 2014, Rachel left the G+T partnership to take on her current role as General Counsel and Company Secretary of Nine Entertainment. She continues to support various community organisations, including City Recital Hall and Giant Steps School, with directorships on their Boards, and was previously a Chairman of Sancta Sophia College, a residential college for undergraduate and postgraduate women and men at the University of Sydney.



Rachel Launders

MARINA OLSEN: What does a typical day look like for you?

RACHEL LAUNDERS: My typical day involves lots of juggling and variety. Depending on what's going on in the business, my day can be internally focussed or externally focussed, reactive or proactive. It can be anything from working on sports rights or joint ventures, helping someone in the Nine legal team work through a problem (although they generally know a lot more law than I do) or working with the Nine exec team on tricky issues that can crop up on any part of the business. That's often the fun part – being asked to contribute my thoughts on diverse issues, even if they're not necessarily legal problems. My varied experiences as a lawyer hopefully mean I've got something useful to contribute.

MARINA: 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?

RACHEL: My career path is an excellent demonstration of no career planning at all. Like many people who graduated when I did (last century), partnership in a large law firm was really the only career option that I knew about and that's where I thought I'd go from law school, but I took a detour. I've worked in the courts, for government bodies, for an energy company, in private practice (where I did become a partner), and I've been at Nine for seven years now. I was asked to go on secondment from Gilbert + Tobin to Nine in 2007, even though I wasn't in any way an expert on the media industry. Over the years that followed, I did a lot of work for Nine (including a second secondment), and that led to Nine offering me a role when the then GC, Amanda Laing, was moving into a commercial role. I was in the right place to take the secondment opportunity in 2007, and that, with a lot of hard work for Nine, put me in the frame for the role I have now.

MARINA: What recent events in the Australian media law landscape most affect Nine and your role as its GC?

RACHEL: The ACCC's work on digital platforms, leading to the creation of the News Media Bargaining Code, has been a critical development for Nine, and for the news media industry more generally. It's enabled us to receive payment from the platforms, who have benefited from use of news content for many years to build their own businesses. Those payments will go some way to ensuring that news organisations can continue to invest in quality journalism. And if the last couple of years haven't shown the benefits of having access to quality journalism (rather than vast amounts of misinformation or disinformation), I don't know what will.

MARINA: Are there any law reforms in the broadcasting / publishing sector that you think are desperately needed? If so, what are they?

RACHEL: I've got quite a list. The ACCC's Digital Platform Enquiry and the work that has followed it, including the News Media Bargaining Code, were ground-breaking, in terms of addressing the dominance that digital platforms have in so many areas relevant to the broadcasting/publishing sector. There is so much more to be done though to ensure the continuation of a strong, financially viable Australian media sector. Defamation reform, to make investigative reporting less risky for publishers, is a perennial need. One of the other big issues is prominence – we risk losing ready access to radio stations in your car or free to air television channels on your smart TV disappear, because manufacturers preference global players for priority placement. Finding a solution to ensure services, which employ Australian talent and tell Australian solutions, are easily discoverable should be a high priority for Government.

MARINA: What advice would you give to your younger self?

RACHEL: Relax, look after yourself and get more sleep. I was in a great hurry in my late 20s and early 30s, and that wasn't necessarily the healthiest time of my life.

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

RACHEL: Regret is a wasted emotion. We all make mistakes. Dwelling on a past mistake isn't a good use of energy – learn from it and move on!

MARINA: What developments do you see on the horizon in 2022 for the communications and media legal landscape?

RACHEL: There have been a lot of consultation papers put out in recent months on issues from privacy, digital platforms, the Anti-Trolling Bill (to reverse the Voller decision), SVOD quotas, and use of spectrum, so if the current Government is returned in May, there's a wide range of options. While there are numerous defamation law reforms which could be passed, and the Anti-Trolling Bill wasn't perfect, it would be a good start to implement that. If we have a change of Government, we'll need to see what the priorities are for the new Minister for Communications.

MARINA: What energises you about work?

RACHEL: Working with people who are passionate about what they do – whether it's making The Block or Travel Guides, breaking big news stories, broadcasting premium sport like the Australian Open, or all the behind the scenes people who make a big complex media organisation hum.

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

RACHEL: Taking the secondment at Nine that has led to my current role was quite a gamble as I knew very little about the industry at the time but I'm glad I took the risk (and that Nine took the risk on me).

MARINA: How do you unplug from work?

RACHEL: Is it too embarrassing to say going to meetings? I'm on the board of a couple of not for profits, Giant Steps (which runs schools and post-school programs for people with autism) and the City Recital Hall. Over the last couple of years, they've had some big challenges so helping them work through a variety of issues is a great way of getting perspective on life and doing something outside work. Apart from that, I go to shows and concerts, sing in a community choir when I can get there, go to the gym a few times a week, and am bossed around by Maddy the family chihuahua – she's quite good at sitting on keyboards and papers so effectively mandates being unplugged from work.

MARINA: The 2022 International Women's Day campaign theme is #BreakTheBias. What does this mean to you and how would you suggest this is implemented in our readers' work and personal lives?

RACHEL: To me, #BreakTheBias means being aware of the myriad ways in which

conscious or unconscious biases can impact on the advancement of women (and other groups), and actively doing what you can to avoid or redress the impact of that bias.

The first step to implementing #BreakTheBias is simply thinking about the people you engage with and what they need to succeed, and then taking the steps you can to address the impact of any bias. This could be about how responsibility for looking after children is allocated between parents – is there an assumption that one parent will take primary responsibility for anything child related, and so isn't as available for work? In the workplace, are you scheduling meetings at times that suit everyone's life circumstances? Is work allocated in a way that gives everyone a fair opportunity to do the high profile, high value work that will get noticed? Do you nominate people for opportunities, if they might not put themselves forward? Can you remember to call on the quiet person to contribute something at a meeting so they

can show what they know, without having to talk over the noisy people to be heard. Of course, all that can apply to what you need to do for yourself.

MARINA: Who is one woman in the industry whom you really admire, and why? And who is one woman outside media and the law whom you really admire, and why?

RACHEL: Within the industry, Gina Cass-Gottlieb who I had the pleasure and privilege of working with when I was at Gilbert + Tobin. She's always calm and considered, super smart and creative. Gina has been a great help to me and to Nine over the years. The ACCC is in very good hands with Gina stepping in as Chair shortly. For someone outside the media and law, I nominate Mary Shanahan (who will not be known to any or many readers) – she was the principal at Sancta Sophia College at the University of Sydney when I was there. She's encouraged generations of young women to be their best selves and, in her early 90s, she's still going strong.

Louisa Vickers

Senior Legal Counsel at NBCUniversal

Jess Millner, Associate at MinterEllison, chats to **Louisa Vickers**, Senior Legal Counsel, Networks and Distribution at NBCUniversal, to get her thoughts on International Women's Day and some valuable career tips on working in the media law industry. Prior to her current role at NBCUniversal, Louisa was a Business and Legal Affairs Executive at Beyond Distribution and before that, Louisa was part of the IP practice at Piper Alderman. Louisa is also a new mum and has managed to find a spare moment to do this interview with a 12-week old bub at home.

JESS MILLNER: Let's start with how you got to where you are now. Did you always hope to end up in a job like your current role at NBCUniversal? If so, what did you do to position yourself to get it? If not, how did your career path lead you here?

LOUISA VICKERS: I always wanted to work in film and television, although I had no idea I would end up working in this industry as a lawyer. Before studying law, I studied Arts (Media) and worked as a photographer and editor for a number of years. It wasn't until I moved to London and started to work in television production that I became really interested in the business of film and television and not just the creative side of it. That's when I decided to study law with the sole focus of eventually working in a role like my current role at NBCUniversal.

In order to get here I loaded my undergrad with every subject relating to IP and Media and ended up working in a fantastic IP practice as my first role as a lawyer. It wasn't until I left private practice to work for my first television production and

distribution company that I realised that I had somewhat limited my studies a bit too much for in-house counsel. So I went back and completed a Masters in Laws with a much more general focus as is required by most in-house roles.

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

LOUISA: Pick your battles! Take it as you will but for me this advice helped me focus on what really matters and what doesn't.

JESS: What energises you about work?

LOUISA: The people and the diversity of my role. I'm fortunate to work with some truly amazing people from all over the world and to be able to work within many different areas of the business.

JESS: When you're working in a busy and demanding role how do you unplug from work?

LOUISA: Sometimes I'm not sure I do 'unplug' very well although a good session at the gym helps me shake off the work day and gain a bit of clarity.



Louisa Vickers

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

LOUISA: Oh that would have to be Madame Bollinger (the Great Lady of Champagne). She ran the Bollinger empire from 1941 (from the age of 42) until 1977 after her husband's sudden death. It would be fascinating to dine with her both for her knowledge of, and ability to provide, a good drop of Champagne and because she garnished such a huge amount of respect for the way she conducted herself at the helm of the Bollinger empire. She also provided one of my favourite quotes. If you don't know it, look it up!

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

LOUISA: I would simply celebrate the fact that this industry has so many amazing women in it. Keep up the great work ladies, you're all fabulous!

Sarah Gilkes

IP and Technology Partner, Hamilton Locke

Rebecca Wilson, Associate, Clyde & Co, sits down with **Sarah Gilkes**, Intellectual Property and Technology Partner at Hamilton Locke to chat about International Women's Day. Sarah is an intellectual property powerhouse who acts for clients across a broad range of industries, including technology, e-commerce, resources, FMCG, entertainment and professional services. She's held advisory and Board positions for start-ups, established companies, not-for-profit organisations, and has also acted for a number of high-profile performers and sportspeople.

REBECCA WILSON: What does a typical day look like for you?

SARAH GILKES: There's no such thing as a typical work day when you're a lawyer! My days usually involve a mix of client meetings and calls to work through issues relating to business growth, IP strategy, commercial negotiations, or regulatory issues; time spent in discussions with my team to progress various workstreams and documents; and time spent reviewing documents and responding to emails. I am also involved in quite a few of the firm's cultural and employee-focused projects, so there is usually time spent on one or more of these projects – for example, I oversee Hamilton Locke's pro bono offering, sit on our 'Da Vinci' committee (which sponsors employees to spend time on personal growth projects), and am heavily involved in the annual Technology Scale-Up Awards program (of which the firm is a lead sponsor).

REBECCA: How do you unplug from work?

SARAH: In my pre-lawyer life I was a muso, so that continues to be my outlet. One of the nice upsides of COVID-life and working from home has been the opportunity to unplug at the piano over my lunch break – it helps to centre me, which puts me in a good frame of mind for tackling whatever the afternoon throws at me.

REBECCA: What developments do you see on the horizon in 2022 for the communications and media legal landscape?

SARAH: There's a lot of activity in the privacy space, both in Australia and globally. We're seeing data protection regulators internationally taking a more aggressive approach in relation to privacy breaches (such as the €746 million fine levied against Amazon in Luxembourg last year for breach of the GDPR), and the exposure draft for a new Online Privacy Bill released at the end of last year suggests that Australia is heading the same way – with greater enforcement measures being proposed, along with significant increases to penalties for corporations. This shift is being driven by an increasingly sophisticated awareness at the consumer level of the value of personal information to corporations, and a corresponding demand

from consumers for greater transparency and accountability about how that data is being managed and used.

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

SARAH: It might sound strange, but this IWD I want to celebrate the impact that the pandemic has had on advancing the discussion around flexible working for men. I think a lot of women (myself included) who are juggling work and parenting often feel a sense of guilt that flexible working accommodations are being made for them due to their 'mothering' commitments, and they end up carrying a huge additional mental load as a result (leading to behaviours such as apologising for leaving work in time to pick up the kids from daycare, or over-compensating for the 'inconvenience' they have caused by working ridiculously extended hours into the evening).

One of the wonderful side effects of the pandemic has been to see my male colleagues and clients openly juggling parenting responsibilities on videoconferences, and talking about leaving work early to pick up the kids or coach a soccer team. It feels like the pandemic has caused a seismic shift in the conversation around flexible working, in that it is no longer seen as primarily a 'women's issue'; but rather a parenting (or, more broadly, a people's) issue. This shift has the potential to significantly alleviate that sense of guilt that many women feel about fully embracing flexible working arrangements, and perhaps lessen one of the barriers which holds some women back from seeking or accepting more senior roles.

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

SARAH: Say yes to the opportunity, and then figure it out from there (thanks, Mum). So often, women de-select themselves from opportunities because they think that they might not fulfil 100% of the criteria, or because they're worried about whether the opportunity is sustainable in the long-term. It's true – sometimes you don't fulfil 100% of the criteria. However, you may bring different (and incredibly valuable) things



to the role which the employer or client didn't even know it needed, while also creating incredible growth opportunities for yourself in the process.

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

SARAH: Keep everything in perspective. There are some things which are actually important, and some things which just seem important or urgent due to reasons that are largely artificial. It's essential (both for your clients and for your own mental wellbeing) that you are able to tell the difference between the two, so that you can manage client expectations accordingly and ensure that you don't find yourself in a never-ending state of stress and anxiety.

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

SARAH: Hildegard of Bingen. In addition to the fact that it would be fascinating to hear about life in 12th century Germany, she seems like she would have been an entertaining (and very opinionated!) conversationalist. I first became aware of her through her music, but have since learned about her skills in the areas of medicine, natural science, writing, visual arts, and architecture – she was a formidable polymath. The stories of her success in navigating what was largely a patriarchal society to challenge society's perceptions of a woman's role and to achieve female-focused objectives (such as the construction of abbeys with purpose-built workshops for the development of the inhabitants' artistic and intellectual abilities) suggest that she was pretty feisty, and would probably have made a very good modern-day politician!

REBECCA: If only there was a time machine to meet some of the wonderful women of the 12th century! Happy International Women's Day and thanks so much for your insights, Sarah!

Shoshana Shields

Director of Legal at Google ANZ

Eli Fisher, Senior Legal Counsel at Paramount Network 10 and co-editor, talks with **Shoshana Shields**, Director of Legal at Google ANZ, about her career to date and her thoughts on International Women's Day in 2022.

ELI FISHER: Shoshana, thanks so much for talking to us about your career and your thoughts on International Women's Day in 2022. As Director of Legal at Google ANZ (and eBay and Paypal previously), it's safe for me to say - if embarrassing for you to hear - that you are among the most accomplished and high profile tech lawyers in the region. Was tech law always the plan for your career? How did your career path lead you to where you are today?

SHOSHANA SHIELDS: It's a pleasure. I spent my first eight years as a lawyer working in private practice, specialising in commercial litigation. I really enjoyed the excitement of going to court. I found litigation fast, dynamic and thrilling. I loved the pace and dynamics of it all. My career evolved when I had children and I had to assess my hours. I came back part-time which worked perfectly for a secondment opportunity at Virgin Mobile. It was a fun and dynamic role and gave me a taste for in-house legal work. The Virgin Mobile role was in a highly regulated industry and, at that time, Virgin Mobile was new in Australia and had what I would describe as a start-up culture - it had a real vibe to it, we all did Customer Support, even the MD. That was probably the start of where I've landed, because from there I thrived on dynamic start-up/tech culture which led me to PayPal, and then to eBay and then to Google. It's been a progression. It wasn't the original plan, but I have always sought dynamic and challenging environments as a legal professional. I found that in commercial litigation, and I found that in tech/start-up roles - so that's maybe a common thread throughout my career - that chase for dynamic work.

ELI: What does your role as Director of Google's regional legal team involve on a day-to-day basis?

SHOSHANA: It's obviously very exciting. It's very challenging. On a day to day to basis, it varies greatly. It ranges from looking at new products being launched and being briefed on some of the really exciting, innovative ideas on which our teams are working, to partnering with some great and exciting business partners, and advising on a variety of regulatory issues, and of course it does not avoid my first love, litigation. One of the great - and I suppose most challenging - things about working in-house is that variety and unpredictability. Also, I get the privilege of managing a team of brilliant lawyers who are each working busily on those sorts of matters too.

ELI: What energises you about your work?

SHOSHANA: What energises me is the cutting edge work that we do. We are

always breaking new ground. That's the exciting part. Google has always had the goal of organising the world's information and making it universally accessible and useful. As technology develops so too do the challenges around this. Our products and services and the way we deliver them, really matter, and we don't always get it right the first time around - we are continually challenging ourselves to be the best, and meet the expected standards. This can create a very intense work environment, which also comes with immense scrutiny. It is exciting - although don't get me wrong some days I wish for something more standard, more peaceful. But that's a trade-off I'm prepared to make.

ELI: What trends in the Australian tech industry most occupy your thoughts these days?

SHOSHANA: We deal with a bit of everything at Google, but I would say that AI and privacy are definitely issues that occupy my thoughts. Understanding consumer expectations between innovation and privacy is a real, tangible part of so many decisions we face on a daily basis. There are so many technologies that we, at Google, have helped to build and advance that are incredibly valued and popular and useful. That's what we pride ourselves on: introducing really useful technology to the world. So much of what we do is based on innovation and AI - and that leads to some really deep thinking about protecting privacy. Innovation is something that people want, perhaps even more than they realise. Innovation sometimes gets taken for granted, but working here means you see real people working to create real solutions - innovation's not something that just happens. For example, Google Maps, it is a great product, people use it all the time to help them navigate to places. It can only direct you from one place to another with some sort of understanding of where you are coming from and where you are going to. And then you iterate and innovate on Google Maps to show where there are traffic jams, that can only happen where a community agrees that it is useful enough to share that information. There needs to be a way that the usefulness of a product can co-exist with the privacy considerations. Consumers desire high-performance and privacy-friendly products. We have to get the balance right. We aim to be best in class with privacy - not just in the high performance of our technology. And that means, from a commercial and



legal perspective, really understanding what is reasonable, understanding how the environment shapes this.

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

SHOSHANA: It's the "edge cases" that create the most friction. The vast bulk of the things going on are manageable, and rarely get heard about. It's the things that live in the margins - the edge cases - that require deep thought. In terms of law reform, content regulation is obviously big at the moment. The Online Safety Act has just come into play. There's a lot of work being done by regulators in relation to content on social media (including the Anti-Trolling Bill), as well as the Defamation law reform process. These issues are not straightforward. What sort of debate and differing points of view should be available online, and what should not. Ultimately where regulation can solve a real issue, and does not inadvertently create new ones, then this is helpful regulation. It should not be a case of regulation creating new problems (potentially worse problems) than the ones it is trying to solve. I would also say that it is in our interest to ensure that our platform has integrity and operates within the expectations of society and consumers, so in that sense, there is constant development and self regulation all the time. No matter what, good regulation should always allow space for innovation, the worst outcome would be to completely stifle innovation, to just stop us in time. I think that's really important.

ELI: I think that's a really interesting way of putting it Shoshana - because the "space required" to be innovative is often where those "Edge Cases" live. What do you celebrate about International Women's Day? What is the triumph that pleases you most?

SHOSHANA: I attended a breakfast last week for women in the tech industry - and it was really interesting. It really gave a great demonstration of the advantages of

tech in creating a safe space for women and all people. The discussion was centred on the merits of a de-biasing recruitment tech company called Applied. Basically, it's a start-up that offers a solution to make employment decisions in a non-discriminatory way, by using technology, and behavioural and data science. It helps organisations recruit the best person for the job regardless of background, gender, race etc. It uses technology to make the process neutral. It was fascinating to hear the co-founder, Kate Glazebrook talk about the issues, including about how few women there are in leadership positions. So one thing that I'm really proud of is how the Google Australia business leadership team is mostly women. Mel Silva is the MD, and the overwhelming majority of the Leads for each of the functions are women. So that is something I am proud of. I get to work with amazing women every day. As a general rule, Google already is an incredible company with respect to thinking about, and implementing, practices that promote diversity, equity, and inclusion in the workplace.

ELI: What do you lament most on International Women's Day? What are your most urgent concerns?

SHOSHANA: It would be remiss of me not to mention the last two years, and the impact of Covid and the pandemic. While it's had some upside for women as well, in terms of flexible working in some ways, the downside is that it has caused the highest rate of burnout in people – and especially for women. I read a McKinsey report recently, *Women in the Workplace 2021*, that speaks to the rise of burnout, which is affecting women significantly more than men. It's a study into corporate America, conducted annually, and I'm certain it's equally an issue here in Australia. I think a major factor leading to these unprecedented levels of burnout is the absence of any separation between work and home, and the increase in home duties (homeschooling, for example) without a corresponding decrease in professional expectations or a corresponding increase of hours in the day. A lot of the burden is landing on the already disproportionately overloaded shoulders of women, and mums in particular. It's a real issue of which we in management positions need to be more than merely cognizant. There's still a long way to go. And it's important that, notwithstanding a thriving and diverse leadership at places like Google Australia, and improvements in representation at many levels of companies like ours, we don't forget that there aren't equal opportunities across the board throughout the economy.

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

SHOSHANA: The best piece of advice I've ever received was from a former CEO (John Donahoe) at eBay when I worked there. He would talk to new directors when they

were given their directorships, he would give what I would call an introductory or pep talk on the responsibility of being a director. One thing that stood out was his views on resilience. He had a view that all great leaders must be resilient, and at some point had faced some sort of unique challenge. If I'm being honest, it took me years to understand what he meant exactly. To me, resilience was just about being strong in tough times. I took that as given, I thought to myself that I am a strong woman and I have resilience. But it was only later when I really faced some more challenging times that I realised resilience is so much more than this. Resilience to me is about finding your way when you really feel defeated. It is the ability to grow through the toughest of times. It is the ability to potentially accept failure but not be deterred from that. It is such great advice because if you can remind yourself to be resilient in those times, you will come out better and stronger and feel even more motivated than before.

ELI: The 2022 International Women's Day theme is #BreakTheBias. What does this mean to you and how would you suggest this is implemented in our readers' work and personal lives?

SHOSHANA: Technology gives you a great platform for being gender neutral and other paths for being neutral. Applied's solution I mentioned earlier is a great example. In terms of breaking the bias, it's obvious to tackle conscious bias, but unconscious bias is harder, and having an awareness is the start. If we could convert unconscious bias into conscious bias through awareness, it becomes much easier to reduce and eliminate *any* bias from decision making and the way we treat each other. I also think that those terrible nemeses of equality and fairness – like discrimination or sexism or bigotry – have such a well-earned stigma attached to them that people think these terms could not possibly apply to them. "It's a problem other people have, but not me." I think a really important part of implementing the lessons of this year's theme into our daily lives is to really internalise that *everyone* has biases that impact on our decision making at every second of every day – no-one is immune. The theme isn't #BreakSexism, which would be a perfectly agreeable theme but not apply to average, fair-minded people. It's #BreakTheBias, because bias applies to all of us, and we all have a role to play in breaking it.

ELI: Do you think that the best solutions to solving problems are driven by law and policy (whether public or company)? What role can technology play? What are some ways, from your vantage point, that you've seen technology help to #BreakTheBias?

SHOSHANA: I think company policies, processes and culture are really important. And they, together with legal requirements, work in tandem with technological

solutions. Coming back to the debiasing approach to minimise bias in recruitment decisions, that's based on clever technology. Google famously uses an anonymous and background-neutral hiring process, which enables the ultimate decision-maker charged with hiring the candidate to make a decision independent of any knowledge about the candidate's gender and other identities and background. The same objective questions are asked of all candidates, regardless of their gender or background. Pending the decision to recruit the candidate or not, the candidate is not referred to in internal documents by the person's name, only as "The Candidate". Every element of the recruitment process is designed to create a greater degree of objectivity, and then an independent person makes the decision based on the notes. It's unique, but I see the results – and it really works.

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

SHOSHANA: This is a hard one, because I admire everyone in the industry. It's a tough industry, and I admire all women in the industry. Obviously, Mel Silva, she is passionate and capable, and always makes time for others. She's led us through some really interesting times. And there are so many women who are using technology to create positive change in society. Kate Glazebrook is a great example of someone using her skills in behavioural science together with her passion for unbiasing to create change using technology in hiring processes. She was inspiring to listen to and she had already accomplished so much (and continues to want to do so much more).

ELI: Do you have advice for people raising daughters? Is there a way that you go about it, or that your parents did, that has a relationship with the successes you've had professionally?

SHOSHANA: I have two daughters and a son. And I would say it's really important to encourage them constantly to believe in themselves and to believe that they're capable of anything. Encourage them to follow their own dreams and to dream big. That's important. I say this to my kids all the time: Be curious. Ask lots of questions. Be empathetic. But more generally, let them be themselves. I tried very hard at one stage to encourage my eldest daughter to be more sporty. And it completely backfired. She was always totally the opposite; she still is. She's now old enough to tell me she's totally not interested in anything to do with sport, and she is a very capable and happy non sporting daughter. My best advice: encourage them to be the best version of themselves.

ELI: Thank you Shoshana. This has been so insightful. On behalf of all our readers, thank you so much for sitting down with us. Happy International Women's Day!

Sophie Jackson

Principal Legal Counsel at Foxtel

Sophie Jackson is Principal Legal Counsel of Foxtel group and an inspiring woman with considerable experience in the media & telecommunications industry. **Tabassum Athoe**, Privacy Advisor & Lawyer at the ABC, interviews Sophie Jackson in the lead up to International Women's Day.

Sophie has taken time from her busy schedule to talk about who inspires her, the future of her industry, her love of baking, and how she balances personal and professional life. She also takes this opportunity to provide some lasting words of advice for other females in the industry.

TABASSUM ATHOEY: What does a typical day look like for you?

SOPHIE JACKSON: Most mornings start with an early sport drop off (6.45am) for at least one of my children. While working from home, it's a coffee run on the way back, a quick check of emails for anything urgent, and a hustle to get the rest of them out the door and off to school. An average day includes a daily stand up with my team to check in on the day, connect and collaborate. Since COVID, this daily time helps keep us grounded. It can just be a 5 minute chat about the latest binge-worthy show. There is no particular order to the rest of the day which is interspersed with meetings, legal advice, drafting, negotiating, and triaging problems or strategy with business stakeholders. My focus for the day will depend on the transactions I am supporting, and the regulatory or industry issues of the moment. Keeping myself across industry issues relevant to my business stakeholders is key so I keep abreast of the news headlines, try to read a publication or two, and keep up to date with relevant draft legislation and consultations. The day generally ends with a pick up or two, cooking and some decompression time – a run, or a good TV show. It's never been easier to support the Foxtel Group products!

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

SOPHIE: Clearly media reform has a significant impact. The latest Media Policy Statement includes a number of recommendations in relation to Australian content including an SVOD reporting and spend framework, and a reduction in subscription television's spend obligation. Other issues of significance for Foxtel include anti-siphoning, captioning reform which the subscription television industry continues to seek, the changes to the Privacy Act (including the Online Platform Bill and the CDR designation for telecommunications), and copyright and defamation reform.

TABASSUM: What developments do you see on the horizon in 2022 for the communications and media legal landscape?

SOPHIE: Much will ultimately depend on the election. I am dubious about the extent to which we will see significant reform during 2022. I see the aggregation of content distribution through platforms as a growing trend, and with that there are likely to be new regulatory and competition challenges.

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

SOPHIE: I'll name two that felt risky at the time but ended up proving to be fantastic opportunities. As a young lawyer in the UK working for Allen & Overy, I was offered a secondment to the UK telecommunications regulator in a policy role. It was the late 1990s and no-one could have known the extent to which the media, telecommunications and technology sector would converge. The iPhone was still a decade away. I baulked at the thought of leaving my IP / media focussed role to go learn about "telephones" but my very wise boss of the time encouraged me to make the move, stressing that a deep understanding of the telco and technology sector, and exposure at a strong industry regulator, would stand me in good stead for any future role in media. How right she was. Although I returned to A&O, my passion for media distribution remained. A couple of years later, I made the decision to leave the stability, and seemingly guaranteed, future, of my role at A&O and join a digital start-up as their first in-house counsel. The start-up, a joint venture between BSkyB, BT, HSBC and Panasonic, was leading the roll out of digital television in the UK. I never looked back.

TABASSUM: How do you unplug from work?

SOPHIE: Down time with my partner, three children and the dog. A run, a swim and the obligatory FoxFit online HIIT class. Foxtel launched free online exercise classes for its employees during COVID, which has been a great way to unwind and stay healthy. A necessary counter-balance to the fact that lockdowns have fuelled my already over-obsessive love of food and cooking. I discovered the art of sourdough bread making, whilst the pasta machine and ice cream maker have never had such a good workout.



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

SOPHIE: I'll have to name two. Ruth Bader Ginsburg, for her intellect and amazing achievements in fighting against sex-based discrimination, and for the rights of others. She has been a role model for a whole generation of female lawyers and is such an inspiration - as she said, "real change, enduring change, happens one step at a time". And if the catch up is a dinner, I would have to say Kylie Kwong... for her delicious food, and her never ending commitment to sustainability.

TABASSUM: The 2022 International Women's Day campaign theme is #BreakTheBias. What does this mean to you and how would you suggest this is implemented in our readers' work and personal lives?

SOPHIE: #breakthebias means more than a personal call to action. Yes I need to ensure that I am aware of my own biases but more importantly it is a challenge to us all to call out bias when we see it. The easy route is to stay quiet. However, if we can tackle bias as it arises in our day to day working and personal lives, we can break the cycle and help others recognise their own bias and the debilitating impact it has. Sometimes the smallest comment, kindly given, can make the difference.. Speak out when you see something that feels wrong. Be brave.

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

SOPHIE: Be yourself, embrace opportunity and be kind, to yourself and others. On a more practical level, keep networking and seek out mentors who can support you as you navigate the ups and downs of your career.

Sylvia Alcarraz

Senior Associate At Dentons

When you speak to **Sylvia Alcarraz**, Senior Associate at Dentons, her passion for all things media and defamation law is evident. Her thirst for new experiences and a constant desire to learn has led her to private practice, further study, secondment opportunities and even a non-legal role. Ahead of International Women's Day, **Jessica Norgard**, Senior Legal Counsel at nbn, speaks to Sylvia about her career path, law reform and advice that she has for younger generations.

JESSICA NORGARD: You've had a well-rounded career to date balancing further education, in-house practice and private practice. Tell us a little about your motivation behind each career move and how your current role came to be?

SYLVIA ALCARRAZ: I started out as a general litigator over a decade ago. Along the way, I started to think about my career progression and what matters made me excited and what actually interested me. I was very quickly able to narrow down what I wanted to focus on, being media and defamation work. At the time, social media was quite new – there wasn't any law around it and I was loving the new and developing areas of law that were attached to the digital and social world where there was often no legal precedent. I am still insanely passionate about defamation law – the pace and the intensity, the grey areas and the interpretation of words, but fundamentally, the fact is that the crux of most defamation disputes is about the reputation of a human being. I wanted to immerse myself further in these concepts, so I took myself back to University to do a Masters of Law, majoring in media and technology and got myself a job working with Patrick George, who authored one of the leading textbooks in that area. Since then I've advised on both the plaintiff and defendant side, with clients like former prime ministers, television personalities and most mainstream media organisations across Australia and some overseas.

I am now at Dentons in the Disputes and Risk Advisory Team (which I love) and have just finished a secondment at the ABC working across both the Prepublication & Training and the Disputes & Litigation teams (which goes without saying, I loved!).

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

SYLVIA: In terms of recent changes, it's hard to go past the impact of the *Voller* decision. This is given its effect not only on media organisations but also anyone who is the administrator of a social media account where any third parties can comment. As you know, the anti-trolling legislation is currently before Parliament, which, if passed, would mean that the operators of social media accounts wouldn't be deemed to be publishers of third party comments. The timing of it is quite interesting, with *Voller* being appealed to the High Court, so there is a bit of a concern that we may be

jumping the gun, given that we are waiting to see the outcome of that decision and whether social media platforms might end up having the defence of innocent dissemination. So, there is this weird gap at the moment where you can technically seek damages from social media companies.

As to the changes that are needed, I'm all for the "liable once notice has been given" approach for social media page operators.

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

SYLVIA: A couple of years ago at a previous firm, I was approached about whether I would be interested in taking on a newly created role with a global team which was focused on commercial and strategic level management. I had never done anything other than be a lawyer or a bartender, so this was out of my comfort zone! I am a big believer in saying yes to opportunities for growth and learning. Moving out of a practising legal role was a massive risk – I was thinking about what if I hated it, or conversely what if I liked it?! I did lots of research, got some advice from partners and mentors and ultimately trusted my gut feeling and said yes. This is something that I'm really proud of – being brave enough to try something new. In just over 12 months, I learnt so much about the business of law and how to think differently, particularly in the age of innovation. I was also able to work with really senior level executives and leaders within the business that I didn't have access to, even as a senior lawyer. Ultimately, there was something missing. I missed being a lawyer, so I went back into practice, but I very much value the experience and unique development opportunity.

JESSICA: How do you unplug from work?

SYLVIA: I have the best family and the most incredible and impressive friends that I love to spend time with. I try to spread my time seeing everyone. Otherwise I tend to fall into the "Bondi bubble" – you can find me either doing the coastal run or having a margarita at Rocker (which is one of my favourite bars in Bondi).

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

SYLVIA: I am thinking of two amazing women within the industry (but not legal world).

The first is Mia Freedman, founder of Mamamia, the largest women's media



brand in Australia. She is an absolute powerhouse media professional but remains true to herself and very authentic which I find quite admirable.

My second is Leigh Sales. I just want to wake up and be Leigh Sales! She is an effortlessly professional and sophisticated woman with this incredibly inquisitive mind, sharp wit and musical talent. She is very direct, yet compassionate and she is the pin-up of what I strive to be like.

JESSICA: What is the best piece of work advice you've received? / What advice would you give to the next generation of female leaders in the industry?

SYLVIA: When I was a junior lawyer, a partner once asked me "What is Brand Alcarraz?" Off the back of that came some of the best work advice I think I've received which is that you have to believe in yourself and be confident in your unique value. This sounds easy in theory, but when you are coming through the ranks you inevitably meet people who try to dim your light.

As such, the advice I have is twofold. The first is to trust your experience and not ignore your gut feeling (these are not mutually exclusive). I must do this every day in the pre-publication world which is essentially just a constant assessment of risk. You have to rely on years of experience and knowledge of the law, but you also need to have a weird sixth sense about you (which you can't learn from a textbook). Often if it doesn't feel right, it probably isn't, so you have to trust that feeling and know when you need to dig in further. The second piece of advice is to learn to recognise the difference between criticism for the sake of it, and constructive criticism (which again, is easier said than done). You need to learn to block out the noise but to also be humble and embrace constructive feedback. The only way that you will continue to grow into a more respected leader that the future generation of men and women alike will look up to is to be open to that.

Anna Spies

Barrister at 5 Wentworth Chambers

Anna Spies is a barrister at 5 Wentworth Chambers. She was called to the bar in 2016 and has a particular focus on intellectual property law. Her practice also includes media, consumer law, investigations and inquiries. Before coming to the bar, Anna was a Senior Associate in the King & Wood Mallesons intellectual property litigation team. Anna has been repeatedly listed as a recommended junior counsel for Intellectual Property in NSW in Doyle's Guide. She sits down with Claire Roberts, barrister at Eleven Wentworth to discuss her career and International Women's Day.

CLAIRE ROBERTS: 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?

ANNA SPIES: Not at all. Putting to one side my ambitions as a small child to one side (to be a painter/vet/writer/palaeontologist all at once), I studied law due to my love of words, language, analysis and crafting arguments. At University, I initially combined my law degree with international studies and thought that I wanted to be a diplomat. I soon discovered this was not the case and instead, I really enjoyed my law subjects. From early in my legal career, I knew that I wanted to work in intellectual property law. I worked as a solicitor in intellectual property dispute resolution at King & Wood Mallesons, including on s 115A website blocking injunctions and *NRL v Optus*. I also worked as an Associate to the Hon Annabelle Bennett AC SC at the Federal Court, including on cases such as *Apple v Samsung*.

I did not see myself as a barrister until Justice Bennett encouraged me to consider the bar. After I indicated that I did not see myself as a 'public speaker', she gave me the best piece of advice that I have received: Court is a conversation between you and the judge, and advocacy is being persuasive in that conversation. After my associateship, I went back to work as a solicitor for a few years. Realising that the part of the job that I loved the most was writing submissions, researching the law, devising arguments and being in Court. This being the heart of the work of a barrister, and encouraged by mentors, I decided to go to the bar.

CLAIRE: How do you structure your workdays? Do you have a usual routine you try to follow?

ANNA: I am usually woken in the morning by one of two little boys. Once we make our way through the morning routine and I start work, my typical day is variable. It largely depends on whether I have a day in Court or a day doing 'chambers' work. A day in Court will involve preparing and reviewing material and arguments early in the morning, then meeting my leader (if I

have one) and instructing solicitors before Court, attending Court, and in the case of a longer trial, I will spend the evening dissecting the evidence from that day and preparing for the next. On the other hand, if I have a day of chambers work, my day is usually more flexible. I may work from my office or work from home. This may involve phone calls and conferences with my instructing solicitors, the client or witnesses, emails, reviewing and settling evidence, preparing written advices, pleadings or other court documents.

CLAIRE: Is there any advice you would love to have received earlier in your career?

ANNA: Do not be afraid to try new things and to put your hand up to do something that is outside of your comfort zone - that is how you will grow and learn. You are capable of doing more than you realise, and trust your abilities. It is a marathon, not a sprint, so do not forget to make time for your family, your friends and your own health and wellbeing.

CLAIRE: How do you unplug from work?

ANNA: My main way to unplug is by spending time with my husband and my two little boys, our extended family and friends. We frequent playgrounds and parks and the zoo, and love to spend as much time as we can outdoors. I also like to tune out by cooking a meal and watching stress-free (and sometimes terrible) TV.

CLAIRE: The 2022 International Women's Day campaign theme is #BreakTheBias. What does this mean to you and how would you suggest this is implemented in our readers' work and personal lives?

ANNA: This is a great theme, and an important one. To me, it emphasises taking steps to address biases and stereotypes, not just identifying them. We need to think about how biases and inequality exist in our own lives and workplaces, whether conscious or subconscious. We should call out bias and challenge stereotypes where we see them. Women should feel brave and supported to express opinions, celebrate our achievements and try new roles with confidence and without imposter



Anna Spies

syndrome. The support of colleagues and friends is crucial, and we therefore need to be that supportive colleague or friend to others.

CLAIRE: Who is one woman in the industry (or if that is too hard, examples of a few women!) whom you really admire, and why?

ANNA: The woman that I most admire is the Hon Annabelle Bennett AC SC, who I had the privilege of working for as an Associate. It goes without saying that she is a brilliant lawyer with a fierce intellect, who is known for her significant contribution to the Federal Court and to Australian and international intellectual property law. She has also had a myriad of other roles, which reflect her diverse interests and which she seems to manage with boundless energy. These range from the Court of Arbitration for Sport and Chancellor at Bond University, to the board of the Garvan Institute and a Commissioner on the Royal Commission into National Natural Disaster Arrangements. Most of all, I admire the way in which she has managed the balance between her career and her very close relationships with her family.

CLAIRE: Thanks so much for your insights Anna, it was a pleasure speaking with you.

ANNA: Thank you Claire.

Jane van Beelen

Chief Legal and Regulatory Officer, nbn

While **Jane van Beelen** is a lawyer by trade she has also sculpted a complementary career as a regulatory powerhouse in the telecommunications industry. **Jessica Norgard**, Senior Legal Counsel at nbn, sits down to talk to Jane van Beelen about the culmination of these two passions as nbn's Chief Legal and Regulatory Officer.

JESSICA NORGARD: How did your career path lead you to be Chief Legal & Regulatory Officer at nbn?

JANE VAN BEELAN: Following early paralegal experience in family law (my Dad's profession), I started as a solicitor in a large commercial law firm. Still a baby lawyer, I got the opportunity to work at Telstra doing a combination of legal and regulatory work which really shaped my career path. I ultimately led the Telstra Regulatory team for over a decade and was the Regulatory and Compliance Executive for my last two years at Telstra. Leading the Legal and Regulatory (L&R) functions at nbn was a great opportunity and next step. The role aligned my personal sense of purpose in recognising the importance of the telecommunications industry and its infrastructure to consumers, businesses, communities and the nation. With my experience to date and in this leadership role, I felt I could make a difference.

JESSICA: What does an example day look like for you?

JANE: I wear multiple hats throughout my day – I lead the L&R function, including a team of fantastic people; I engage with our regulatory stakeholders, I'm General Counsel to the CEO and the Executive Committee (ExCo), and I help lead the company as part of the ExCo.

At the moment, my schedule is (MS Teams) meetings heavy, but I try to connect 1:1 with team members regularly, and make time to think about and work on the function, the business and the strategy. I'm also walking every day, which helps my mental and physical wellbeing!

JESSICA: What energises you about your work?

JANE: The purpose of nbn is the driving force behind everything – it is incredibly engaging. Connectivity has proven to be so crucial, especially in the past two years. I enjoy collaborating with great people across the company to solve problems and make progress, which is one of the highlights of working in-house. From a people perspective, seeing team members really develop and shine is incredibly rewarding. I also find the subject matter inherently challenging and interesting (at least it is to me – I realise telco regulation isn't for everyone!)

JESSICA: What are some advantages that you see about having the legal and regulatory functions integrated under one leader?

JANE: The expertise and capability are different and complementary, but the business doesn't always appreciate the fine distinction. Being under one leader enables us to work to provide an integrated service to our business clients. It doesn't magically happen, though – we are having to be deliberate in working on how Legal & Regulatory work together to efficiently deliver an integrated service where that is what the business needs. The goal is to support the business and customer objectives being achieved in a lawful way and with L&R risks managed, and such that our people can thrive.

JESSICA: What developments do you see on the horizon for the telecommunications legal landscape?

JANE: The telecommunications landscape is shaped by its regulatory environment, ongoing substantial infrastructure investments, the ubiquity of demand for telco services across a vast geography, and a huge opportunity to harness rapidly evolving technology to enable the digital economy, drive efficiency and improve the customer experience.

There are a number of key developments on the legal landscape for telco which include:

- Substantial enhancements to the regulation of security of critical infrastructure, and the associated compliance and governance requirements;
- A more agile approach to transformation programs, systems and process development (including those we undertake with third party partners). We need to ensure these programs are set up for success, with clear requirements and accountabilities;
- More generally building in compliance as companies seek to automate processes and systems;
- Sustainability objectives, reporting and governance is a growing area for many corporates, including telcos;
- Using data to uplift the customer experience;
- How lawyers can systematise, including the use of tools such as AI to do standard advising and drafting, to enable us to truly partner with our business clients to help navigate our complex commercial and regulatory environment;



- Identifying and retaining the best legal talent for our business in a fast moving and competitive market; and
- Addressing the disadvantage of remoteness, digital ability, affordability, and other issues such as resilience and crisis response, responsibly and sustainably as an industry, as broadband is now regarded as an essential service – although these are really more social and policy issues than legal ones.

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

JANE: Take every opportunity to build experience in a range of areas of law, especially if you aspire to be a General Counsel. But also become expert in at least a few key areas – you want depth and breadth. Also remember it's not just about building legal knowledge – your broader skills, such as simple and impactful communication, evaluating risk, understanding financial analysis – should also be a priority. It's important to be proactive in thinking about your career – what you want from it and when, what opportunities will best provide the pillars upon which you build; but be open enough to recognise that opportunities come in a range of shapes and sizes, and your career is most unlikely to be, and indeed richer for not being, a singular linear progression. You may even benefit from taking a non-legal role for a period!

If you have the opportunity to work in-house, remember not to interpret your legal role too narrowly. It's not enough to be satisfied just understanding the legal issues – pursue broader understanding of the technology, the commercial imperatives, the market, the policy and regulatory framework, to be a true business partner.

Anne-Marie Allgrove

Partner and Global Chair of IP/Tech, Baker McKenzie

Belyndy Rowe, Senior Associate at Sainty Law, sits down with **Anne-Marie Allgrove**, Partner at Baker McKenzie and the Global Chair of the Firm's IP, Data and Technology practice, to discuss data, privacy, careers, and Anne-Marie's contribution to global diversity and inclusion within her firm. She has been recognised in both Chambers and The Legal 500 as a leading individual and was named a Best Lawyer of the Year for Privacy and Data Security in 2020.

BELYNDY ROWE: Anne-Marie thank you for speaking with me today. Can you please tell me a little about your current position and give a brief overview of what it is you do in your role as Global Chair of Baker's IP Data and Technology Group?

ANNE-MARIE ALLGROVE: I am a partner here in our Sydney office. As part of our IP / Tech practice I specialise primarily in data and privacy related issues, as well as large outsourcing and services transactions. In terms of my role as Global Chair, I see my role as bringing us together and ensuring we are continually focussed on ensuring we have a world class IP/Tech practice. We have 6 business units that cover brand management, brand enforcement, patents, digital services, privacy and data security, technology contracting and transactions. Really the full gamut.

So the role is about bringing everyone together, operating as one to ensure that we are doing top quality work, facing the market with the best we can be, and that our people can thrive. One of our big focus areas is on our pipeline and making sure we're bringing through the right talent globally where we need it, to be able to deliver to our clients as they need it.

BELYNDY: What led you to this job? What would you say most motivates you to do what you do?

ANNE-MARIE: Like with a lot of people, I kind of fell into the law and just discovered that it suited me, and I really enjoyed it. I've been at Bakers for 30 years now so clearly the place suits me. I've had lots of opportunities, been overseas, lots of different roles so it's clearly given me the challenges that I have looked for. That's what motivates me.

I find the law challenging, I love helping people, so I think that whole service mentality that comes with legal practice really suits me. And then it's the people. Day to day as I've become more senior in my role, it's the people that have kept me here. Finding ways that we can engage and retain the best talent we have, so we have a legacy going forward.

And the issues we deal with never repeat. I can't remember ever being bored in my role. Even after 30 years. There would be

other things I might say from a challenging perspective, but boredom has never ever been an issue.

BELYNDY: You were focusing on data before it became as popular as it is today as an area of legal practice, partly due to your practice focusing on the tech and health sectors. How has a data practice changed for lawyers over the course of your career?

ANNE-MARIE: I think it has fundamentally changed. Around 20 years ago when we started to focus on privacy and personal information, it was quite small and nascent, and driven largely by European concerns in this area. It is now about data, not just personal information, but data more broadly. It is such a fundamental asset to clients. Clients have issues around confidentiality and valuing assets and monetising data. And then you've got your security issues, a lot more government regulation around what you can do with data, and where it can be located, what access the government can have, so it's just grown exponentially - both in terms of the regulatory environment and the opportunities it presents.

Globally people are managing and trying to deal with all these issues; as well as many others including the taxation of digital services, transparency for consumers, enhanced consumer rights, and competition issues. The regulators are still playing catch up in a lot of respects.

The role of data has fundamentally changed, and is front and centre for more and more companies in terms of their business strategy - whether it's tech, health or any other sector.

For several years I was head of our tech industry group, and I used to joke that I could pretty much claim every client to be a tech client. More and more companies, whether they were banking clients, or consumer and retail clients, were offering tech enabled solutions and positioning themselves in the market as tech companies whether they were for example in the health sector or the finance sector.

BELYNDY: The pandemic has led to increased data sharing as individuals are asked to hand over their data in exchange for social freedoms. As organisations have navigated the difficulties of covid testing for employees, and the idea of 'vaccination



Anne-Marie Allgrove

passports' was being processed globally, how can we ensure we keep a balance between use of data and technology to solve pressing problems, on the one hand, and protection of personal information, on the other?

ANNE-MARIE: I think one of the fundamental values or principles behind any privacy regime is proportionality. More and more we need to make sure we set the boundaries appropriately. Each involves a compromise of one kind or another, a balance of different interests, and we are prepared as individuals to make those compromises. We just need to make sure those compromises are being made consciously and within clear parameters.

Whether it's ensuring regulatory regimes or actual practices to assist us to reopen workplaces and venues, we have to have the right balance: what are we gaining from it, versus what is someone giving up in return? And are we accepting that as a society? It requires that balance, and the equation is going to differ from time to time depending on what the benefits are.

BELYNDY: Proportionality is not always an easy concept to apply. How do you assist clients to make this assessment?

ANNE-MARIE: It's very difficult. If you're a government you need to balance the national interest and the rights of individuals (at least that is what we would expect in a society such as ours).

For a private organisation, a lot of it is testing the boundaries. You've got marketing and other teams always looking to test your boundaries of what they can do with the data. More and more organisations are considering the ethical parameters to apply. Those boundaries change, as we have observed over many years.

Someone was saying to me the other day, and I thought really it was very insightful, it

used to be that we found it quite unsettling when people could tell that you were calling because they could see your phone number, and now we won't answer the call unless it does tell us who's calling. If it doesn't have a caller ID, you go 'oh well I'll wait until I know who it is'. We have fundamentally changed the way we perceive that, and that happens all of the time.

That's where lawyers have a broader role, playing almost an ethical role in thinking through the issues. There are things you can do legally. Technically speaking you may be able to make broad uses of the information that has been collected, particularly if it's not sensitive. But the question must come back to: is that the right thing to do? And that's a difficult one, because there are many different interests at stake. But it is about bringing that lens to it, and questioning, and raising some of those questions. It's not necessarily that you're going to stop certain things happening but making sure the client has considered those things as they go out to market.

BELYNDY: How does a client's risk profile impact this equation?

ANNE-MARIE: Clients can have very different perspectives. Some are very risk averse and want to focus on a compliance mentality. Others take very much a reputational, and a 'what's right in the market' approach and we're seeing that across a broad range of issues, whether that's sustainability, gender, diversity. Generally, companies are bringing a much broader perspective to a lot of what they do. And I think that we'll see this more and more around things like use of data. The question is often: "where do those lines get drawn?" And those lines get moved all the time. And society moves them. We're in a very different position now to what we were 20 years ago with what we expect people to do with our data. In some ways people are turning to lawyers and saying "help me to figure out where the lines are". And it's not always necessarily a legal line.

BELYNDY: Privacy has been firmly in the spotlight for years now. Is the rate of regulatory development going to slow?

ANNE-MARIE: No I really don't think so. What we are seeing is that it's gone way beyond privacy regulators. We are going into competition regulators and we're seeing so much convergence happening. Data is such an integral part of society and the commercial world these days, it's going to continually evolve. Because it changes so fast, and its usage changes so fast, and the opportunities around it, the societal norms around it, it means that you're just going to keep having a fluctuating and changing environment.

BELYNDY: Global organisations are increasingly having to consider how to comply with multiple privacy standards jurisdictions introduce or seeking to introduce more robust data protection laws, often similar to a GDPR-style standard. Will we see this continue?

ANNE-MARIE: I'm hoping we get to a little bit more consistency globally, and certainly some of the privacy reforms being discussed in Australia now will, if implemented, bring about some more consistency with international standards. It's very hard and I'm not sure whether that will happen or not, but there are some areas where I think some greater consistency and some greater approaches from a global perspective – obviously the EU succeeded in doing it in its frame, but beyond that that would be helpful.

But these things are challenging and the chances of that occurring I think are very slim. We're seeing a lot more interconnectivity and communication between regulators in different parts of the world, and that brings some consistency of approach in some areas, but I think the likelihood of having a singular system globally is very low.

But at least we're starting to see similarities across regimes. But you've always got twists and even though countries are emulating others, they emulate them but it's not quite the same for commercial or economic reasons, and for social reasons. Everyone has a different perspective and we've seen that in the way the different privacy regimes have played out globally. Security issues play a big part in all of this as well, so national interest is relevant. The challenge of avoiding nationalism impacting significantly on the ability to do things globally is also a key consideration.

This is going to be an ongoing space where we're going to have regulatory development continuing, and changes in uses of data happening all the time. In such a complex environment, perfection is not what we are aiming for; it needs to be a risk management perspective. And that risk management profile depends on where you sit in the market, what your interests are.

Some take a riskier approach because they feel that it is most appropriate for them, others take a more conservative approach, and you see more and more companies using data as a distinguishing factor. They are actually being more robust and more conservative than some of their obligations, just so they can go out to market and say look we take this stuff seriously... and we care, so you can have very different approaches.

It's nuanced with grey areas - data is an art not a science.

BELYNDY: You have advocated for diversity in the workplace as Baker McKenzie's Chair of Diversity and Flexibility in Australia and the Asia Pacific representative on the firm's Global Diversity and Inclusion Committee. Have you seen changes in workplace attitude over the course of your career? Can you tell us a bit about what measures Bakers is taking to see more women in leadership positions?

ANNE-MARIE: There has been enormous change and there is still lots of change

to occur. You see that in the numbers, particularly coming through the ranks. We still have challenges at the senior levels. I've commented to people often that when I started in this space, there was very few using words such as Diversity and Inclusion (D&I) and championing these issues.

Now if I think about us as a firm for example, or other organisations, it's a common theme in any statement that leaders are making globally, D&I is front and centre, people are understanding how important it is. We may not have achieved all the things we want to achieve, but it's now in the mainstream of the conversation. It no longer sits on the side as an issue for only a few people. It went from an issue for a few people, to an HR issue, to now a central organisational issue.

And that is a fundamental shift. It changes things completely because you start having the right discourse around the issues and the right people around the table to have the conversations. You can really help effect change.

It doesn't mean we have achieved all we want to be and recent OECD numbers show Australia to be still very low down in terms of gender equality as a nation. That horrifies me and surprises me. But at the same time it doesn't, when I see some of the things going on around us. It is really frustrating.

And as an organisation, we're still challenged to get women into our leadership roles, particularly when you get to equity partner level. We have set targets of 40 / 40 / 20 which is 40% women, 40% men, and 20% either or non binary. We are very committed to that and it has become front and centre of our pipeline and leadership discussions. They are targets, and we have set KPIs for countries and offices to ensure that if they are not heading in the right direction, steps are being taken. This involves ensuring that you've got a really rigorous promotion process where people can identify the criteria and be reviewed objectively. So you're not relying on the intuition of someone pointing to someone saying "oh I think she would be very good".

It's made a fundamental difference to our promotions and the growth of our number of female national partners (our non-equity partners). We have now moved to over 40% women in our national partners. A whole lot of steps have been taken around promotional processes and ensuring a fairer work allocation. These measures are aimed at ensuring women are getting the opportunities. Things like parental leave policies that have fundamentally changed, and we provide this for both men and women to take anytime over a two year period. And really encouraging our men to take it and focussing on changing the discourse around that.

We have tried to take a variety of different steps including requiring management committees at the firm to include gender diversity. These measures are a base requirement that we can grow from, but for me really the key is still leadership. We need to have the right tone from the top making this an imperative for everyone, and identifying the opportunities for people.

BELYNDY: What has the response been to the D&I measures within the firm?

ANNE-MARIE: We have had a fantastic response to our parental leave policies. We have undertaken several years ago a whole program based on the 'male champions of change'. This program facilitated effective conversations (listening forums) that led to over 50 recommendations for changes across a number of areas including performance evaluations, work allocation, remuneration, and behaviours.

We have implemented nearly all these recommendations. There is still more we can do. I'm not standing here thinking it's done, or that everything is now done properly. Absolutely not. But we have fundamentally changed how we have dealt with some of these issues. The changes implemented benefit both our men and women.

BELYNDY: Do you have any key mentors or people who influenced who you are, and what you are committed to in your work and life? Can you please tell me about them?

ANNE-MARIE: I've had professional and personal mentors. Professionally a couple of people have been very big supporters and really encouraged me to put myself out there and supported me in taking on different roles.

Interestingly most of them are men, but that was the case because most of them at that stage were men in the leadership positions. But there have been several women as well, particularly later on in my career, who really stepped up and supported me. Professionally I feel I've had

a really strong cohort of people that have mentored, sponsored and supported me through.

Personally my parents didn't put any parameters on what I could achieve. Anything I did they supported 100% even if my decision seemed to be a bit at odds to the things that they had done or the way that they would have done it. My husband is unwavering in his support. There is never a moment when he says 'do you really think you should do that?' or 'could you pull back from that' - it's always 'how are we going to do this together?'. It's a team.

When people say "can I have advice, how do I make it work?" I say partner-up well on all fronts (personally and professionally). Then pretty much anything is possible.

Also remember everything you do along the way is an investment in your future and you have got to think of it in the longer term not just in the shorter term. When life is busy, or you have young children and your world becomes completely overwhelming, it's hard to even see the end of the day, let alone see five years down the track. Staying connected to opportunities during that time is so valuable. Keep your options open, end goals may change, but think about it longer term. Whatever decisions you make are valid, but remember to value yourself in making those decisions. I find a lot of women don't value themselves enough in that picture.

BELYNDY: What prompted your involvement and leadership in D&I?

ANNE-MARIE: Pure personal frustration seeing things and thinking, "this is not acceptable". We did a people survey globally many years ago which included questions about partnership ambitions and the difference between male and female ambitions to become a partner were stark. It really struck me and I wanted to figure out why we had such a different lived experience for our men and our women within our organisation. So that really started to drive me.

I could see what was happening to people around me. You can't be what you can't see, as they say. So it's really important getting women up into leadership which is why I get very sad when women leave organisations like ours, because it does reduce the pool for us as future leaders. I think it's really critical across society that we have much better gender diversity and a broader framework from which to get more leaders.

BELYNDY: What is next for you in your work? What are you looking forward to?

ANNE-MARIE: I'm really enjoying this stage of my career. I feel like I've got a practice that's going well. I'm very proud of my team and I'm very proud of my global role. My whole reason for taking on a global role was so that I would be in a position to bring through another generation of leaders. So for me at the moment it's really about setting it all up for success longer term and ensuring that we continue that.

I've managed within my work to have not only the client satisfaction, the practice satisfaction, but also the people side through the diversity work that I do. I also helped establish our current pro bono practice which is now a partner led practice with two senior associates and a community service and indigenous engagement lead which I am very proud of. All those different aspects give me a lot of job satisfaction, so I feel very lucky that I've managed to combine all of those within one career at the moment.

I don't know what will be next. I'll have to wait and see. It will be a combination of all the things that I do enjoy doing, which is legal work, people, pro bono - some kind of combination of those. Outside work, it's family and friends. They keep me going. They are the most important thing and I am thoroughly enjoying that.

BELYNDY: Anne-Marie, thank you for sharing your ideas and experiences.

ANNE-MARIE: My pleasure. It was really nice to speak with you.

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

Katherine Sessions

Office of the eSafety Commissioner

Kathy Janevska, Associate at MinterEllison, chats with **Katherine Sessions**, Safety by Design Lead and Assistant Manager – Industry Affairs and Engagement within the International Strategy and Futures Branch at the Office of the eSafety Commissioner about her career to celebrate International Women's Day. Katherine started her career in private practice and after moving to the ACMA she was seconded to the ACCC for the Digital Platforms Inquiry. Katherine currently sits on the Board of CAMLA.

KATHY JANEVSKA: Hi Katherine – thank you so much for speaking with us. How did your career path lead you to the Office of the eSafety Commissioner?

KATHERINE SESSIONS: I started my legal career in private practice working in TMT. During this time, I had the opportunity to work closely with a variety of corporate stakeholders and to work across corporate and commercial litigation matters, all the way up to the Federal Court.

I've always been excited by the evolving online policy landscape. After working with ACMA and being selected for a secondment to ACCC for the Digital Platforms Inquiry, I knew that a regulatory shift was happening.

In my current role at eSafety I work on Tech Policy. I lead on our Safety by Design initiative, which places user safety at the centre of online platform and service development. It's a key policy that underpins eSafety's proactive change activities. This requires ongoing consideration of tech developments, ethics, human rights, and inclusivity, so it aligns well with my values.

KATHY: What developments in the online safety landscape are you excited to see come to fruition?

KATHERINE: I'm really excited about developments in technology, particularly those that allow immersive technologies to surface risks and mitigate harms before they occur. We've put out a public position statement on immersive technologies, which is available on the eSafety website.

In terms of legislative developments, Australia is really paving the way in online safety. The Australian Government introduced new legislative changes through the Online Safety Act 2021 Cth (**OSA**), which came into effect on 23 January.

This legislation enhances eSafety's regulatory schemes for dealing with the cyberbullying of children, image-based abuse, and illegal or restricted online content, while also introducing a new scheme for dealing with adult cyber abuse.

Through a Ministerial instrument, the OSA also sets out key considerations for Basic Online Safety Expectations (BOSE) for a broad range of online services, outlining the fundamental safety practices expected of service providers. In 2022 our focus is on raising awareness of the BOSE among service providers, as well as consulting with stakeholders to develop regulatory guidance and to build their capacity to comply.

The OSA gives industry bodies or associations the opportunity to develop a new industry code, or set of codes, which would be registered by eSafety to regulate and prevent the spread of certain types of harmful online material.

KATHY: What is a highlight of your career so far?

KATHERINE: Shaping global Tech Policy. I'm always grateful that I have an opportunity to advocate for user safety while working directly with industry on the front lines of emerging tech. People are making huge investments into the virtual technologies as we continue to develop the future of the metaverse for not only gaming and social platforms, but for businesses to interact with their clients in the virtual world. Five years from now this will likely be commonplace as our offline and online worlds converge, so it is exciting to be involved in this technological revolution.

KATHY: What are some of the challenges we are facing with these new technologies?

KATHERINE: This is an entirely new era that we are moving into, completely uncharted territory, which will inevitably see new online harms emerge.

There are some real challenges with the way in which the technologies are developed and used. For example, developments in haptic gloves and haptic suits simulate a world of touch and sensation — hot and cold, rough and smooth, pleasure and pain — which could be used for nefarious purposes. More covert harms include deceptive designs, or 'dark patterns', which are tricks built into the interfaces of apps and websites designed to lead us towards actions we might not otherwise take.

There are also real challenges with balancing privacy, security and safety, which need to be considered in tandem.

Whilst there are a multitude of challenges and risks, I think it's important to remember that there are also so many positive applications that this new technology brings users — for example, improving the quality of life and independence of people who are unable to access actual experiences for a variety of reasons, including disability, or remoteness.

KATHY: What about legal challenges?

KATHERINE: There are unprecedented jurisdictional challenges, as we move from a two-dimensional to a three-dimensional internet and new metaverse lands, such as The Sandbox, Decentraland, Meta etc, as well as the potential of Web 3.0 or the decentralised web.



We are starting to see some interesting litigation surrounding these new spaces, including some ground-breaking new virtual commerce lawsuits regarding NFTs and IP. In one of the first major metaverse legal proceedings, Nike has filed a lawsuit against StockX for using Nike marks in its sneaker NFTs. Hermès also recently sued a digital artist for infringing rights to its Birkin handbag through the issuance of 'MetaBirkin' NFTs.

There are also problems with new payment methods, moving beyond regulated currencies to cryptocurrencies and reliance on crypto wallets.

Without clear jurisdictional arrangements it is unclear how many of these new issues will be resolved. Will we continue to litigate offline, or will we participate in 'virtual' legal matters? Will there be a metaverse dispute solution? Watch this space...

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

KATHERINE: Sheryl Sandberg provides a great piece of advice, *"It's the ultimate luxury to combine passion and contribution. It's also a very clear path to happiness."*

I feel deeply about equality of opportunity in a true sense, and I have an enormous amount of gratitude to the women before me who fought for equal rights and have afforded me this luxury.

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

KATHERINE: Hmm... that's a tough one. Perhaps the Honourable Dame Quentin Bryce CVO AD, who has paved the way for many women in Australian law and public service.

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

KATHERINE: We have such a unique regulatory presence. Australia's comms and media regulators, ACCC, ACMA, eSafety, OAIC and TIO, all have trailblazing women at the top of the leadership structure. These women are all strategic thinkers, who are solutions focused, and influencing the global landscape.

KATHY: Thanks so much for your time today, Katherine.

KATHERINE: No problem, my pleasure. Thank you!

Julie Inman Grant

eSafety Commissioner

Tom Roberts, Graduate lawyer, MinterEllison, sits down with **Julie Inman Grant**, eSafety Commissioner to discuss her thoughts on International Women's Day, her own illustrious career, and everything in between. Julie began work as a media and technology adviser in the US Congress. Since then, she has worked as a Government Affairs Manager and a Global Director of Privacy and Internet Safety for Microsoft, as a Director of Public Policy for Twitter and she has tirelessly pushed for a greater focus on building safety into these technology platforms. Throughout her career, Julie has consistently engaged with a range of public policy issues in the technology space, including as a Director of Government Relations for Adobe, and in 2017 she was appointed as the Australian eSafety Commissioner. The Australian eSafety Commission is the world's first government regulatory agency committed to keeping its citizens safe online.



TOM ROBERTS: Thank you very much for agreeing to sit down with me to have a chat today. The first thing I would like to ask you is, 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?

JULIE INMAN GRANT: I think it was just a happy twist of fate, if you will, I actually dropped out of computer science and studied international relations. After uni, I went down to Washington DC with big ideals and even bigger hair because it was the early 1990s and I worked in Congress at the intersection of technology, public policy, social justice before there was an internet.

In fact, in 1991 I was working on a range of social justice issues and my Congressman came to me and said "We've got this small little company in our district called Microsoft, they do software and the telecom industry was being deregulated so would you look at this?"

I was then recruited by Microsoft to be one of their early lobbyists. It was the early 1990s, so tech policy ground zero, developing the *Communications Decency Act* in the midst of the Anti-Trusts trial, meeting Bill Gates on my second day of work and taking him to the White House. So I had lots of interesting experiences and after five years of working in Congress and across the DC landscape, they sent me as far away as they could to Australia and New Zealand and I started Microsoft's Philanthropy Government Relations and Industry Affairs program here before expanding to the whole Asia-Pacific region.

After seventeen years at Microsoft I came back to Australia in 2012, and did some consulting before going to work at Twitter, which was a really interesting experience. I really got to see the good, the bad and the ugly of social media close up, before going to Adobe and then I was tapped to do this job.

TOM: What is it about the intersection between technology, media and public policy that appeals to you in this role?

JULIE: I care about human beings, and technology excites me. I started as a techno-

optimist and I believed that when I started in the industry in the 1990s that it would change the world, as I think many of us do when we join the industry with our techno-optimistic glasses. But over time I also saw the damage that technology was doing to people. I also saw that it's not entirely the tech companies' fault.

When you think about it, the issues we're dealing with now are humans weaponising the technology platforms to damage others, whether you're talking about cyber bullying or image-based abuse, the sharing of images and the proliferation of child sexual abuse images, pro-terrorist content. So it's a happy coincidence that I fell into it and I feel passionate about it.

What I've found over time in the industry is that I was this antagonist inside these companies saying "Come on, I'm sitting in these product reviews and we're looking at privacy and security and I get how that leads to customer trust (and hence sales) but what about the personal harms we're causing to people?"

So I brought the whole idea of safety by design to Microsoft over ten years ago and I kind of got the eye roll "we're becoming an enormous company" and I had a great career experience at Microsoft, it really shaped me, but I decided to leave when I knew that I wasn't going to effect change any longer.

I had a much shorter time at Twitter, and I really enjoyed that time too and I think I was able to make a much bigger impact because Twitter was about 3500 people and they had a small public policy and philanthropy team and they gave me a lot of latitude to do things. It was more than a start-up, but people tend to think that Twitter is a lot bigger and a lot more well-resourced than it is because it has such a big footprint. I ultimately left Twitter as well because I got to the point where I didn't feel like I could defend the company anymore.

What I've certainly learnt is that a commitment to safety and user wellbeing has to come from the top and it has to filter down through the company. People have to be rewarded or remunerated or measured on their commitment to safety and that's still not happening on a wide scale basis.

That's why the eSafety Commission started the Safety by Design initiative to encourage companies to change the culture and ethos around digital design from "moving fast and breaking things" to "what's being broken are people and sometimes business" to moving to more carefully considering human rights and human beings and their safety and putting that at the core of what they do, or at least making sure it's a forethought and not an afterthought.

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

JULIE: Technology is always going to outpace policy. As a regulator, you employ regulatory powers and content removal powers after the damage is done.

So I thought we need to work on both ends here. We need prevention and protection through the regulatory powers, and proactive change.

Of course the prevention is all that we do in investing in fundamental research, establishing a baseline and then developing the programs and research and awareness materials to arm our citizens with the information skills and support they need to prevent the harms happening in the first place or to anticipate the harms.

The protection is through the complaints schemes and the proactive change is through safety by design, but also we have a whole program around technology features and tech trends and challenge and we try to get out ahead. Two years ago, almost two and a half years ago we did our first Tech Trends and Challenges brief around DeepFakes.

Couldn't get anyone in the mainstream media to pick it up because it wasn't mainstream enough. Now you can't pick up a technology rag without seeing something about DeepFakes. Last year too we did a piece on immersive technologies, and now the metaverse is hot, as well as decentralisation, everyone's talking about Web 3.0. You have to get the timing right and my point is you need to be thinking about how technologies and how technology paradigm shifts can be harnessed for good and for the benefit of people, but what are the potential risks? So we can be thinking about these new worlds and building them and embedding these protections in the front end rather than waiting to see what happens. This is why we went from just designing Safety by Design principles and methodologies to actually developing tools, risk assessment tools, so that companies can assess their risks and think about how they build the safety processes and systems in at the get-go and understand what harms there are. We also work with a lot of companies to service up their best practice and their innovations so that companies can see how other more mature and experienced companies have tackled some of these wicked problems.

TOM: What developments do you see on the horizon in 2022 for the communications and media legal landscape?

JULIE: We've learned a lot, being the world's only online safety technology education coordinator for the past seven years and we of course updated the strength of our legislation. When we started, we were the Children's eSafety Commissioner and we were focused on social media.

Of course harms impact everyone online and these harms happen on more than social media, they happen on online gaming platforms and dating sites and responsibility should be held up and down the stack, on search engines and app stores and across the digital ecosystem.

The other thing we're focused on is working with other countries so that they can learn from our experiences and our mistakes. Fiji has set up their own online safety commissioner, Ireland's nearly set up their online safety commissioner, online safety legislation is happening in the UK and in Europe, Canada is looking at our model, and even Joe Biden at the State of the Union address yesterday mentioned holding big tech to account. This is one area where Australia has been a leader, but if we're really going to counter the collective power, wealth and might of the technology sector, we need pincer moves, we need to be working with other governments around the world.

We're dealing with illegal content, particularly child sexual abuse content and pro-terrorist content, that's exclusively hosted overseas because we've had our online content scheme in place here for over 20 years. So we've created a very hostile environment for hosting illegal content, but other countries haven't kept pace.

TOM: What recent events in the Australian media law landscape most affect your organisation?

JULIE: There is a focus on the recent passage of the Online Safety Act, which has been in place over the last month. There is a lot of work in adjacent portfolios, including the ACCC doing a lot in consumer protection, the Media Bargaining Code is significant, there are privacy codes, there are defamation law reforms. So there is a whole bunch of things happening and what we need to do, as a government and as a country is to architect all these policies to be clear regulatory targets for all these companies, but also for our citizens, so that they know where to go and where to get help for specific issues. We have been very safety-focussed, we haven't had our own marketing and advertising budgets in the past, so we use a lot of media opportunities and we work a lot with schools and NGOs to get the word out that there is help out here.

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

JULIE: That's a good question. The best advice I ever received came from my mum and I think it applies to everything in life and that was "Julie, you can be anything in life, just don't be boring!"

TOM: And you certainly succeeded!

JULIE: Yeah, well, thank you. I feel lucky, I've always felt I've had strong role models around me, strong female role models. I haven't felt constraints on what I could do and where I could go, I try and always take a fresh perspective on things. I guess I like to be disruptive in different ways, I like to be solutions-focused, rather than always focus on the ills or the problems. I've learned a lot about that over time, one thing you learn by doing and by making your own mistakes.

TOM: Naturally, and as this is for our IWD publication, what advice would you give to the next generation of female leaders in the industry?

JULIE: Well, I was just reflecting on my appearance on Q&A after the Brittany Higgins allegations came out and I talked about my own experiences with sexual assault and harassment when I was on the Capital Hill in the US when I was 22 years old and as a total abuse of power that was something that was overlooked. What I said then, and what I believe now, is that I started to see then that it was the Grace Tames and the Brittany Higginses and the Chanel Contoses of the world that were going to change the world and I feel like it is my job in a role like this to help elevate their voice and to help make sure that we're backing this in and making these changes a reality.

We often used to say in the tech industry 'you need to eat your own dog food' and what they of course mean is that you need to try your own technology. Having spent

all that time in the industry where the proportion of men to women was 70% men to 30% women (when I was single it was great, we used to say "well the odds are good, but the goods are odd") but the odds have largely stayed the same, but at the eSafety Commission we've changed that. If you look at my organisation, we're 70% women, 30% men. Maybe we need to achieve balance, but you've got to walk the talk. All the hiring I've done is all merit-based, but I think we have a set of strong female and male leaders here. I don't think there are many organisations in government or across the spectrum where you have so much female ambitious leadership behind an organisation.

TOM: It's incredibly important that we elevate female voices across the industry and the other spaces that we find ourselves in.

JULIE: You should see the research that we released this week indicating that one in three women experience abuse in their professional lives. It's not just more prevalent for women, but the way it manifests is different. It's criticisms, but also threats of rape, murder, killing children, and focusing on appearance, fertility and supposed virtue and going outside the traditional gender roles other than being a mother and that is causing women to self-censor.

Using technology and the internet as a tool for promotion and building profile, is an essential utility, it's no longer optional, and we had 25% of women tell us that they didn't take a promotion or a leadership opportunity because it would require them to have an online presence. So to me that's a very insidious way that misogynistic abuse manifests - we're encouraging women to promote their voices, but we're not protecting them. It's a wake-up call to all employers.

We work with Safe Work Australia and they have designated online abuse as a psycho-social work hazard and so employers do have a duty of care and, of course, as government we're trying to do our bit through our regulatory schemes, through our education, and our research to really surface these issues and talk about them and address them because we really don't want misogynistic online abuse to be normalised.

TOM: Of course, and I entirely agree. Related to this, the 2022 International Women's Day campaign theme is #BreakTheBias. What does this mean to you and how would you suggest this is implemented in our readers' work and personal lives?

JULIE: I think the women in the spotlight research we released this week goes to breaking the bias. There are still traditional gender norms about what women should and shouldn't be doing, how they should be expressing themselves and their opinions and women feeling like they have to self-censor, sometimes leave social media, jobs

and opportunities because they see online abuse as the cost of doing business and that shouldn't be the case.

We need to reverse this trend because gendered online abuse is entrenching inequality. Technology should be there as a great leveller, but unfortunately what social media has tended to do is surface the realities of the human condition, whether it's prejudice, racism, homophobia or misogyny. Up until now people have been able to abuse others based on these intersectional factors with relative impunity. Bias is going to exist in society, and it will take a lot of time to dismantle it and we can call it out and try to stop it and try to make sure it's not normalised online. That's what we have to do, we have to call it out.

TOM: Absolutely! As a final question if there is one thing you would celebrate about International Women's Day in this industry, specifically, what would it be?

JULIE: In the legal industry, you do happen to see more parity in the legal industry. My husband happens to work as the head of HR for a major international law firm, and I know one of the things he sees as a challenge from a work parity perspective is that not enough men seem to be taking parental leave. So when a woman does reach a partner level, which does converge with the age where you might be having children, it's really hard to keep women at a partner level on board. You need men to actually take the parental leave and take on more of the traditionally female roles such as rearing children. I think we're seeing some progress there.

There's still a lot more we need to do in the technology industry to move the bar. I've been in the industry online for 22 years and in the industry the gender gap was huge. I have got to say some of the engineering world is testosterone driven

and that also reflects the pipeline coming out of universities in math and science, so we need to do more to promote STEM and not unconsciously send young women and girls into the arts, and get them to flourish in STEM subjects. As long as there is a recognition that we need to do more to bring a diversity of gender into senior roles and into leadership, that is the only way you are going to change. It is about leadership and if you don't have a workforce that is reflective there will be unconscious or unintended bias, so let's actually walk the talk by promoting and protecting the voices of women online and in the workplace

TOM: Thank you so much for taking the time to talk with us today and to lend our readers your perspective. Happy International Women's Day!



CAMLA YOUNG LAWYERS
presents

MUSIC & THE LAW

A THREE PART SEMINAR SERIES



COMING SOON

CAMLA

Alison Kerr

Senior Legal Counsel at Paramount Network Ten

Damiano Fritz, Lawyer at Clayton Utz, talks with **Alison Kerr**, Senior Legal Counsel at Paramount Network Ten, about her career and thoughts on International Women's Day in 2022. Ali was Legal Counsel at News Digital Media for more than four years prior, and at Ashurst for four years prior to that. She specialises in media litigation (in particular, defamation and copyright), prepublication advice and music law.

DAMIANO FRITZ: Ali, thank you so much for talking to us about your career, media law and your thoughts in the lead-up to International Women's Day. You've always worked in media and entertainment law. Was that always the plan?

ALISON KERR: To be honest, I've never really had a "plan" as such. I was really fortunate to do a rotation and get a spot in the IPC team as a grad at Blake Dawson Waldron (Ashurst) and absolutely loved the work and the people in that team. I was largely working on matters for News so when the role came up at News Digital Media and my love of time sheets dwindled, that was a natural step. Having worked in print and online, the opportunity to go live and move to Network 10 (Paramount) was irresistible. If anything, my plan has always been to work hard, give everything a go and see where it takes you. There has also been an undeniable "right place, right time" sine qua non to my career path to date.

DAMIANO: What does your role as Senior Legal Counsel at Paramount Network 10 involve on a day-to-day basis?

ALI: Coffee and creativity are a certainty but beyond that anything is possible. I consume news voraciously, always out of insatiable curiosity but also with an eye to which stories will throw up pre-pub issues during the day. While it's my job to know the law, being across where an evolving story is at is crucial to giving good advice. And possibly claiming news subscriptions as tax deductions? A large chunk of every day is also spent negotiating music agreements, with publishers, labels, composers, collection societies and artists and advising the business on the same. This has exploded now that I work across Nickelodeon, MTV and content for the broader Paramount Global business - we truly are an all platforms, worldwide, operation. Throw in seeking instructions on proceedings before the Copyright Tribunal, exploiting MTV live performances as marketing activations in Europe, rights clearance for music backed drone shows in outdoor spaces and I need to call it a day.

DAMIANO: What energises you about your work?

ALI: Absolutely the work but also because of the people I get to do it with. The business has changed so much over the time that I have been there, as has the nature of the work I've been involved in. When I started with 10 it was an Australian based free to air broadcaster and it had just launched its first multichannel, One. I cleared programs like Good News Week and worked with George Negus on his 6:30 program. Since then, we have launched new multi channels and our BVOD platform 10 play. We have been through administration, been acquired by CBS which then merged with

Viacom, launched Paramount+ and have just rebranded as Paramount Global, reflecting the continued integration of all parts of the international business. The work that has come with all those changes has been fascinating. I get to do this work with an incredibly talented legal team and clever, creative people across the broader business.

DAMIANO: What do you see as the current key trends and issues in your practice area?

ALI: It is getting increasingly hard to negotiate and administer the use of commercial music in content where we are seeking exploitation across a plethora of platforms. There are so many moving parts and parties to licensing all the necessary rights to use music, and my concern is that the chasm between rights owner's desires to control use of their music and producers and broadcasters/communicators seeking to use and exploit that music is becoming harder to bridge. As for the defamation space, the *Voller* decision has daily ramifications as to what content can be made available on social media. Any suggestion that having a viable news presence in such a highly competitive market in the absence of a social media presence is ludicrous. Not to mention an incursion on free speech by way of lumping publication liability on media branded accounts.

DAMIANO: As a prepublication lawyer, you deal with uncertain risks all day and all night. What's the greatest risk you've taken as a professional?

ALI: Letting my phone battery die with no ability to recharge it? There is a very good reason that our prepub industry self-help group is known as the Blondin Society. Charles Blondin was a French tightrope walker and acrobat. Giving clearance advice, especially on deadline across any platform is akin to walking the wire - one misstep either way and, well, we all know what happens. In my experience most long term prepub lawyers enjoy the acrobatics. That doesn't mean it isn't hair-raising at times - I may still have a few front pages of the first metro edition of The Daily Tele that I acquired in the wee hours of the morning from a local servo stashed away from my time at Holt St, purchased in order to ensure my advice was followed...One of the many things I love about the work I do is that even after doing it for so many years, there is always a collaborative approach to getting the best story out. The biggest risk you can take is not ensuring you have a trust-based relationship with the reporters you work with so that when it counts, you can work as a team to get the best story across the line.

DAMIANO: What do you celebrate most about International Women's Day? What's the triumph that most pleases you?



ALI: I am in awe of and will celebrate the incredible successes that so many of my female friends and colleagues across so many industries have had. That's proof that change has already happened. But of course, there still much to do. While Covid has been, and continues to be, a tragic and immeasurable disruption to life as we knew it, it is so pleasing to see the real change it has affected in terms of flexible working arrangements. It is a reality that obligations outside of work, like childcare and remote living, have prevented women from applying for and maintaining employment. While I am hesitant to say there are any silver linings to Covid, the real and meaningful shifts we are seeing regarding when, where and how we are able to work is game changing for men and women.

DAMIANO: What do you lament most on International Women's Day? What are your most urgent concerns?

ALI: To some extent it saddens me that we even need to have an IWD and that many of the same issues are still on the agenda. My concern, right now in early 2022, is that we are collectively facing so many challenges - climate change bringing ravaging fire and floods, Covid 19, and now war in Europe. Maintaining focus on diversity, equality and inclusion has never been harder.

DAMIANO: How do you unplug from work?

ALI: I'm not sure this is something I have truly mastered. I have, however, recently taken up Pound Fitness. "What's that?" I hear you ask. It's a drumming inspired class where you use weighted drumsticks to, and I quote, "sweat your way to a rock-hard body". Evidently, I am a newbie and may need to up the twice a week attendance. I also have two rambunctious young boys who make life so much fun. Between laughing at myself and at them, I try to find space to unwind.

DAMIANO: The 2022 International Women's Day campaign theme is #BreakTheBias. What does this mean to you?

ALI: It means that there is still work to be done. I'm personally challenged by the effects of unconscious bias and the effect it has on the decisions we make every day. It's so important that those of us who find ourselves in positions where we have a measure of influence take that responsibility seriously.

DAMIANO: If you could have dinner with one woman that you really admire, who would it be and why?

ALI: Easy, Michelle Obama. Why? Because she didn't fit the mould of a Harvard Law graduate, but she did it anyway. And when she was easily 50% of the main act alongside Barrack Obama, she chose to use the limelight to give back, in

particular to inspiring girls around the world to go to school and stay in school, amongst many other worthy causes. I'm not sure what we would eat for dinner, but I am sure we could carve up a dance floor afterwards.

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

ALI: Two tips. First, the only difference between you and the person who has the role you aspire to is that they have had the benefit of experience. Have confidence in yourself that you too can get there. Secondly, be really good at the job you are currently doing. You never know where it will take you.

Katherine Sainty

Principal and Founder of Sainty Law

Belyndy Rowe, Senior Associate at Sainty Law interviews **Katherine Sainty**, principal and founder of Sainty Law. Katherine is a corporate and commercial lawyer who is an expert in digital, technology and privacy law. Katherine has more than 30 years' experience and 10 of those years spent as a partner with leading Australian law firm, Allens Linklaters. One of Katherine's key strengths is applying her strong commercial expertise, extensive industry experience, sophisticated project management techniques and broad regulatory skills to deliver innovative and cost-effective solutions for her clients. Katherine has been recognised as a 5-star Cyber Lawyer for her ability to navigate complex technology and data challenges, advising clients across all aspects of their businesses. She has also been recognised in Chambers Global, The World's Leading Lawyers, as pre-eminent in her field.



BELYNDY ROWE: Katherine, thank you for agreeing to be part of this IWD edition of the CLB. You have had a mix of private and in house experience. You were a partner at Allens for many years. In 2007 you founded Sainty Law to provide clients with efficient and smart thinking, and legal and commercial advice. 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?

KATHERINE SAINTY: I would love to be able to say that I had a structured career path that I successfully executed! When I started practicing law I had no idea – generally and about my career direction. It would have been hard to forecast how radically the profession has changed – especially in the last 5 years or so.

How did I position myself? Always do excellent work. Always ask if you don't understand. Always go further – dare to do as much as you can. Always understand your environment. Always look after your team.

BELYNDY: What developments do you see on the horizon in 2022 for the communications and media legal landscape?

KATHERINE: Many and varied! The sector is in play. Some will depend on the outcome of the Federal Election. Some will follow overseas developments. I will keep up to date with CAMLA publications and seminars!

BELYNDY: What energises you about work?

KATHERINE: Solving clients' business problems – not just the ones they can see but the ones over the horizon you can see.

Its combining legal knowledge, industry awareness and empathy to produce a solution that the client embraces, that will endure and benefit their business. We can all spot the legal issues – finding and implementing an effective fix is the hard bit!

The other most important energiser is the people. Working with bright talented lawyers – both on my own team and on the other side. Sharing the hard-won insights of years practicing the law and seeing people grow.

I am also hugely encouraged when people I have worked with go on to do great things.

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

KATHERINE: In hindsight it was starting Sainty Law in 2007. That was very uncommon at the time. Not so much now.

I was looking at what my clients were wanting – direct access to trusted advisers, not necessarily the big firm experience.

Unfortunately, a couple of months after I hung up my shingle the GFC hit – so the move was a little countercyclical – but the firm had flourished!

BELYNDY: How do you unplug from work?

KATHERINE: Legal work is so cerebral that I've always found you need something physical to counteract long days at the

screen. Over the years I've had various passions like running, cycling, sailing, skiing and the gym.

My current passion is rowing. It takes total concentration – performance on the water is as much technical as physical. And you sleep well at night! Crime fiction helps too.

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

KATHERINE: A truly difficult question – there are so many fabulous, interesting women.

So I'll lay out a legal/leadership focused dinner party – RBG, Hillary Clinton, Mary Robinson, Julia Gillard with Katharine Murphy of The Guardian to guide the conversation and wrangle the guests so they all get a chance to speak.

I could sit back, listen and learn. Maybe ask one or 2 friends so I could relive the evening over!

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

KATHERINE: One classic comment passed on when I was a very young solicitor – "you can't win a shitting fight with a skunk".

Possibly why I was never very interested in litigation...

BELYNDY: Thank you for taking the time to speak with us on IWD, 2022.

Judge Judith Gibson

Judge of the District Court of New South Wales



Madeleine James, Senior Associate at Corrs Chambers Westgarth and CAMLA Young Lawyers Committee Member, speaks to **Judge Judith Gibson**, to discuss her thoughts on International Women's Day. Judge Gibson was appointed to the District Court of NSW in 2001 and is the Defamation List Judge for the court. She has been the Bulletin Author and a contributor to Australian Defamation Law and Practice since 1993. She is a member of the Experts Advisory Committee for the Department of Justice which produced the Review of Model Defamation Provisions¹ resulting in amendments to the uniform legislation, as well as the Review of Model Defamation Provisions - Stage 2.²

MADELEINE JAMES: The 2022 International Women's Day campaign theme is #BreaktheBias. What does this mean to you and how would you suggest this is implemented in our readers' work and personal lives?

JUDGE GIBSON: Gender inequality impacts many aspects of women's lives in ways where law reform is imperative. #BreaktheBias confronts the twin myths that, firstly, women already have equality in the workplace and society and, secondly, that such equality is unobtainable without what Janet Albrechtsen, rather dismissively, calls a "magic wand". (These two theories are, of course, wholly inconsistent with each other, but that's another story).

First, gender financial inequality remains a significant issue. We take for granted now that women can work, obtain bank loans and have superannuation, but financial equality for women in the workplace is still elusive. We may laugh at the 1980 film "9 to 5" (currently a musical, so it must still be relevant), but have the inequalities it pointed out really gone away?

Take superannuation as an example. We consider superannuation an essential workplace entitlement, largely because of the 1992 Commonwealth superannuation scheme. Prior to this, super was something not many women workers had access to; in the early 1980s, my mother and a group of her co-workers had to enter into a work negotiation about superannuation entitlements to ensure that women were even permitted to be in the company's superannuation fund. This was not a "glass ceiling"-type issue; they could not even get in the front door. So, how are women managing with super now? Even with the Commonwealth superannuation scheme celebrating its thirtieth anniversary this year, women still retire with 42% less superannuation than men.³

That is just one example, but these kinds of financial inequalities still have many consequences for women in terms of equality before the law as well as in society.

Second, on the question of gender equality before the law, women continue to face significant disadvantages as victims of sex crimes and domestic violence. I recall lively

discussions (and a bit of singing from "Donna Condom") about the right path for reform at training nights at the Women's Legal Centre when I was on the roster in the 1990s. Certainly, there have been many important reforms, but there is still much to be done, and technology has now added a whole new range of problems.

How do we implement #BreaktheBias in our work and personal lives? We keep challenging the bias and promote the social as well as legal changes necessary to overcome it. Also, we should not lose sight of the significant reforms that have already been achieved.

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

JUDGE GIBSON: You asked Justice Lucy McCallum this question in your 2021 IWD Edition, and I would like to adopt her answer. In addition, as her swearing-in ceremony as the new Chief Justice of the Supreme Court of the Australian Capital Territory takes place on 8 March 2022, I would like to refer to this event as a matter to be celebrated on that day!

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

JUDGE GIBSON: Defamation law reform is certainly needed, but "desperately" is an adverb that perhaps should be applied more widely to the need for the legal system to confront and regulate technological innovation and change. The internet has been with us for nearly three decades and technological innovation has got so far ahead of law reform that it will soon be too late.

The problem is that, while alluring areas of the law like defamation attract attention from politicians and the media, there need to be consistent liability principles across the board. The basis upon which internet intermediaries are liable for the actions of individuals online in copyright, misleading or deceptive conduct, contract, criminalised speech and defamation all differ, and this leads to uncertainty.

There is also the need to address the impact of technology on privacy, which I note was the subject of ALRC recommendations in 2014,

which included the introduction of a civil action for serious breaches of privacy.⁴

The use of technology in the court room created additional problems during the pandemic, because the need for AVL created additional technology problems which courts had to deal with on the run. We all need to be ready for the courtrooms of the future.

In my opinion, the real problem, in an Andy Warhol world of fifteen-minute fame, is not defamatory publication, but "fake news", trolling, revenge porn, hate speech and other technology-based "Monsters from the Id". These new forms of publication require a total rethink of causes of action (civil and criminal) and of remedies. This is of particular relevance to women because they are often the victims, particularly of revenge porn and trolling.

For all these reasons, I would like to see the ALRC or some similar Commonwealth body having a watching brief on technology law reform in general.

MADELEINE: What developments do you see on the horizon in 2022 for the communications and media law landscape?

JUDGE GIBSON: I hope to see both amendments to the uniform defamation legislation – Stage 1 and Stage 2 – become law. That will be an important step in the law reform process to bring legislation up to date, not only with the reality of online publishing, but also other changes of direction in the law such as proportionality. In terms of the media industry, one of the most significant changes will be the introduction of a defence of publication of matter concerning an issue of public interest.

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

JUDGE GIBSON: As leaders, they really don't need my advice, but I would like to add that collegiality is important, not only in relation to gender bias issues, but for women in the legal profession and the media generally.

Also, I have always rather liked something that Steve Martin said: "Be so good they can't ignore you".

1. <https://www.justice.nsw.gov.au/justicepolicy/Documents/review-model-defamation-provisions/Final-CAG-Defamation-Discussion-Paper-Feb-2019.pdf>
2. https://www.justice.nsw.gov.au/justicepolicy/Pages/lpcld/lpcld_consultation/review-model-defamation-provisions.aspx
3. <https://www.australiansuper.com/superannuation/articles/2020/02/gender-equality-and-your-super#:~:text=The%20report%20found%20that%20women,42%25%20less%20super%20than%20men>
4. <https://www.alrc.gov.au/publication/serious-invasions-of-privacy-in-the-digital-era-alrc-report-123/>

Claire Roberts

Barrister at 11 Wentworth Chambers

Claire Roberts is a barrister at 11 Wentworth Chambers. Claire was admitted to practice in 2011. Before coming to the bar she worked at Ashurst and as a Federal Court associate in Australia, at Linklaters in London and at a boutique litigation firm and the Knight First Amendment Institute in New York. At the bar, Claire appears and advises in relation to a broad range of commercial and public law matters, with a particular interest in defamation and media law. She is also a current member of the CAMLA Young Lawyers Committee. Claire sits down with **Imogen Loxton**, lawyer at Ashurst, to discuss her career and International Women's Day.

IMOGEN LOXTON: Thanks Claire for agreeing to this interview! We'll start off with a rather standard question, but one which I find always has a pretty fascinating answer - did you always want to be a barrister? If yes, why? If no, what brought you to being a barrister?

CLAIRE ROBERTS: No - I had planned to become a journalist. I studied law as the "other" part of a double-degree because I enjoyed writing and debating and many people had suggested to me having some sort of specialist qualification might help me in my print career.

I accepted a graduate law role for similar reasons, but to my somewhat surprise I ended up really loving law. In my current role I get to do many of the things that had drawn me to journalism - such as writing, research, interviewing people and puzzling through complex problems.

Within law, the bar held an obvious appeal from early in my career. I really enjoy the challenge of being allocated a role in a dispute and thinking about how to approach it persuasively - including sometimes, persuading a client to abandon a point. A Federal Court associateship convinced me that this was the career I most wanted.

IMOGEN: We don't often get an opportunity to celebrate what we enjoy about our work - what has been your favourite moment in your career to date?

CLAIRE: I find appearing in court exhilarating. It can be an intimidating experience but it is also immensely satisfying to end a day knowing that you were well prepared and presented an argument in a way a court found useful - whether or not ultimately successful. I have appeared in a few Federal and Supreme Court matters "unled" (ie, where I did the talking), which have been great opportunities. I find defamation cases endlessly fascinating and I have been fortunate to work on some great cases in that space.

Before the bar, I had lots of fun experiences as a solicitor, including a few years on

the newspaper "phone hacking" litigation while in London.

IMOGEN: It's certainly been an unusual couple of years to be a barrister, given all the changes that have had to happen due to the pandemic. How have you found adapting to the change to online Court? Are you excited to be back to in person hearings?

CLAIRE: I feel fortunate to have started my reader year in late 2019 so that I was able to see at least a few months of "business as usual"!

I definitely have a strong preference for in-person hearings, and the return to some of these this year has been a welcome change.

That said, I hope that online court is retained for some directions hearings and interlocutory arguments going forward. This can be a much more convenient way of addressing simple matters, with cost benefits for clients. There have also been some great developments in open justice while members of the public have been unable to attend hearings in person - I hope we keep these up too.

IMOGEN: Looking back over your career so far, what is the best advice you have ever received?

CLAIRE: The best very specific advice I received (and the advice I give anyone thinking of coming to the bar) was to do an associateship. I learned an enormous amount and my judge has become a terrific mentor and champion of my career.

Another helpful piece of advice was to do a secondment - many litigators never get the chance to, and I think spending brief periods in-house improved the way that I approach problems and deliver advice.

IMOGEN: The 2022 International Women's Day campaign theme is #BreakTheBias. What does this mean to you and how would you suggest this is implemented in our readers' work and personal lives?

CLAIRE: I think some of the most insidious bias can be quite subtle. At the bar, for example, there are perceptions about



Claire Roberts

authority and persuasiveness in oral advocacy that can disadvantage certain voices. We are all likely to have biases that we are not conscious of and recognising this fact can be a helpful place to start.

There are great programs in private practice and in house - I was involved in "Women@Linklaters" during my time at that firm and felt there was quite a bit of momentum behind the group's initiatives. At the Bar we have the "Women Barristers Forum", which I am involved in, too - we try to ensure that female barristers feel encouraged, supported and connected in a profession that still has a way to go in improving diversity.

IMOGEN: Thanks again Claire for your time. One final question for you. We've heard about the best advice you have ever been given - what advice would you give to the next generation of women in this industry?

CLAIRE: Ask someone whose career you aspire to have if they would let you buy them a coffee. They will probably say yes.

Miriam Stiel

Partner and Leader of the Allens' IP Practice

Millicent Weaver, Summer Clerk at Thomson Geer, chats with **Miriam Stiel**, Partner and Leader of the Allens' Intellectual Property, Patents & Trade Marks Attorney group, about Miriam's incredible career and her thoughts about 2022 International Women's Day. Miriam has over 20 years' experience as an intellectual property lawyer and works with Australian and multi-national corporations across media and entertainment, fashion, manufacturing, banking and finance, sport and technology to develop strategies for the protection, commercialisation and enforcement of their IP rights. Miriam provides strategic brand protection and advertising advice, and handles the trade mark portfolios for some of Australia's and the world's most recognisable brands. She is also a highly regarded litigator. Miriam is a member of the Intellectual Property Committee of the Business Law Section of the Law Council of Australia, the Enforcement Committee of the International Trademark Association and the AI & New Emerging Technologies and Women in IP committees of the Intellectual Property Owners Association. It comes as no surprise that Miriam's international reputation sees her recognised as a leading IP lawyer by a range of directories including *Chambers Asia-Pacific* and *Legal 500* and as one of the global Top 250 in IP by *Managing IP*.



MILLICENT WEAVER: Miriam, thank you so much for taking the time to chat with me about your career and thoughts on the 2022 International Women's Day for CAMLA. From my perspective as a law student, your career, accomplishments and accolades are truly inspiring. You've really established yourself in commercial practice, and currently lead the IP group at Allens. Tell me about your job, and what a typical day looks like for you?

MIRIAM STIEL: I'm a partner in the IP group at Allens. My work day generally starts at 9am but with 3 teenagers at home, I often feel like I have already done a full day of work as a chauffeur, chef and project manager before my real job starts! I don't really have a typical work day – in any given day, I might be attending a court hearing or mediation; negotiating an agreement; drafting an advice or evidence; meeting with a client; or all of the above – as well as attending internal meetings in my role as Practice Leader and participating in various professional organisations. Working from home over the past couple of years has meant spending most of my day in front of a screen - I am really looking forward to being back in the office and travelling again, and generally having more "in real life" interactions.

MILLICENT: Did you always want to work in IP? How did you end up working in this area?

MIRIAM: Growing up, I wanted to be a doctor or an actor, but over time I came to realise that I didn't have any acting ability and can't stand the sight of blood, so I decided to follow in my sister's footsteps and study law. I did a clerkship at Allens and worked here as a paralegal in my final year of uni, which was when I decided that I wanted to be an IP lawyer – they seemed to have the most fun! I expressed my interest in the area to one of the IP partners, who brought me onto one of his matters, and it took off from there. Over

20 years later, I am still having fun and feel very fortunate to have landed in a role that I find so rewarding.

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

MIRIAM: Looking back at it, going through the partner promotion process while I was on maternity leave – with 2 children under the age of 2 – was pretty risky! I was incredibly fortunate to have 2 partners in particular who were great mentors and sponsors, and gave me the confidence to go for it. They also supported me in my early years as a partner which made the transition far less daunting than it could have been.

MILLICENT: What developments or reforms do you see occurring in 2022 for the communications and media legal landscape? What developments or reforms do you think are needed in this industry?

MIRIAM: I will be following with interest the review of the News Media and Digital Platforms Mandatory Bargaining Code which was announced this week, and the progress of the Social Media (Anti-Trolling) Bill. While I am not sure that the Bill achieves its intended purpose of combatting online trolls, I do think that reform is needed to clarify the liability of digital platforms for a range of unlawful conduct, including copyright and trade mark infringement, as well as defamation.

MILLICENT: The 2022 International Women's Day campaign theme is #BreakTheBias. What does this mean to you and how would you suggest this is implemented in our readers' work and personal lives?

MIRIAM: This theme really resonates to me - we can't have a truly inclusive and diverse profession unless everyone feels respected and valued, all people are given

an opportunity to actively engage and contribute, and there is equitable access to resources and opportunities. I think we all need to have the courage to call out bad behaviour when we see it – whether in the workplace or elsewhere – and question our own biases and assumptions that may cause us to make decisions which undermine our desire to promote equality.

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

MIRIAM: Since I joined the profession, the number of female partners in law firms has grown steadily, which is a cause for celebration – with the AFR reporting in December that women now comprise 31% of partners at the 49 largest firms in Australia, and at Allens we are well on the way to achieving our goal of at least 35% of female partners by 2022 - but there is still more work to be done to support the success of women in the legal profession and achieve greater representation of women in leadership positions.

MILLICENT: What advice would you give to the next generation of female leaders in the industry, or who want to get into your industry?

MIRIAM: I would encourage all aspiring female leaders to focus on building genuine and strong relationships throughout their career with people who will help them achieve their goals and support them in their journey. Having at least one person in your professional network whom you trust completely and who understands your strengths and vulnerabilities is critical.

MILLICENT: Miriam, thank you again for taking the time to chat with me. Happy International Women's Day!

Catherine Hamilton-Jewell

Barrister at Alinea Chambers

It's no secret that the ratio of women to men at the Bar remains tipped in favour of men. However, the continual ascent of female lawyers to the Bar only encourages more to do the same, allowing Australian society to be represented by both genders when it comes to having voices heard and rights protected. **Catherine Hamilton-Jewell** is one of them, having been called to the Bar in 2017. Her skills as an advocate have seen her appearing in a wide range of commercial and insolvency litigation cases, Corporations Act matters, civil fraud cases and regulatory investigations and prosecutions. Prior to that, Catherine spent over ten years in top tier law firms (MinterEllison and Mallesons Stephen Jaques) sharpening her skills as an advocate. She sits down with **Ashleigh Fehrenbach**, co-editor of the Communications Law Bulletin, to discuss her career, International Women's Day and her advice to the next generation of female leaders in the legal profession.

ASHLEIGH FEHRENBACH: Catherine, thanks so much for speaking with me today. How did your career path lead you to where you are today?

CATHERINE HAMILTON-JEWELL: I certainly didn't plan the path I have taken. In many respects I followed my sense of adventure and took opportunities which were presented to me (some good, some bad!). Along the way I have tried my hand at many varied roles (in-house, government, private practice, hospitality, petrol pump attendant, international student tour guide ...) in a variety of locations around Australia before I finally joined the Bar. Coming to the Bar itself was an adventure. My previous roles have given me a unique perspective (and a love of classic cars and coffee) that I often turn to when facing new issues.

ASHLEIGH: Have your impressions of life at the Bar changed throughout your career?

CATHERINE: Absolutely. When I was a junior solicitor I saw hardly any strong female role models at the Bar, seeing mainly a fairly limited sub-set of the population occupying chambers. I recall senior barristers forgetting my name and referring to me as "Blondie" with a click of the fingers. As I have progressed in my career, I have noticed a distinct change. The Bar is (slowly) becoming more diverse, there are strong women role models and importantly there are inspiring junior women changing it up as they break through the last remaining barriers.

ASHLEIGH: Let's now turn to International Women's Day. If there is one thing you would celebrate about International Women's Day in the legal profession, what would it be?

CATHERINE: For a long time over my junior years, I watched women pass through the glass ceiling and then close the access hatch behind them. Over the last few years, I have seen, and been a beneficiary of, a real

shift in that mentality. I see more women collectively challenging the ceiling, not just to break through it themselves, but to shape the path for those behind them. I see more women reach behind and guide others through and I see more junior men and women challenging why the barriers existed in the first place.

If there is something to celebrate in International Women's Day it is the shift in attitude towards collectively working together for a more merit-based industry, where differences, individuality and diversity are celebrated as strengths, and not shunned as weaknesses. #Breakthebias!

ASHLEIGH: Absolutely. Are there any reforms in your sector that you think are desperately needed? If so, what are they?

CATHERINE: Unfortunately, there are some types of work at the Bar where there is a ruthless disregard for the human cost involved in getting the work done. The "break eggs, make omelette" approach in parts of the legal industry is heart breaking. At the end of the day there needs to be a greater recognition that we should be humans first.

ASHLEIGH: Can you share a little bit about what energises you about your work?

CATHERINE: The thrill of being on your feet in court: which has a renewed excitement since COVID and Zoom court. I enjoy learning new things and working in dispute resolution allows me to learn about many different things. I have a strong sense of curiosity, so I find it interesting to dig through the brief looking at the facts and intricacies of each case.

ASHLEIGH: If you could have dinner with any one woman living or passed, real or fictional who would that be?

CATHERINE: Olena Zelenska, the First Lady of Ukraine. Her selfless courage and bravery are truly inspiring.



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

CATHERINE: I was given some simple but powerful advice by a wonderful female silk when I started at the Bar: "Find your people". Don't try to be like anyone else, just find the people who are like you and stick with them. There will always be people who try to "blow out your candle" and there will be those who will protect it when it's getting a little low. Find the people who help build you up, who support you when you are having hard or difficult days, and equally importantly who celebrate your achievements wholeheartedly and without envy. Keep those people close, celebrate them and foster those relationships. Sometimes this job can be hard and lonely, those people will be there when you need them.

And always remember to be "human first" (with all the attendant attributes of kindness and compassion).

ASHLEIGH: Catherine, thank you so much for sharing – it's been a pleasure.

CATHERINE: You're welcome!

Penny Hobart

Executive Counsel at Nine Entertainment Co

Caitlin Surman, a senior associate at HWL Ebsworth Lawyers in Adelaide, sits down with **Penny Hobart**, Executive Counsel at Nine Entertainment Co, to discuss her thoughts on International Women's Day in 2022, and to celebrate the invaluable contribution Penny has made, and continues to make, to the media and communications law community.

CAITLIN SURMAN: Penny, thanks for taking the time to talk to us about your career so far and your thoughts on International Women's Day in 2022. You've had a great mix of private practice and in-house experience. You've previously worked as an Associate in DibbsBarker's IP, Technology and Competition Law Team, before making the switch to Legal Counsel at KPMG Australia, and then Senior Legal Counsel at Bauer Media. You currently serve as the Executive Counsel at Nine Entertainment Co. How would you describe your role at Nine?

PENNY HOBART: Thanks, Caitlin. It's great to be a part of CAMLA's special 2022 IWD edition. My role at Nine is primarily looking after Nine's regulatory compliance and policy interests. I am lucky enough to work across Nine's broadcast TV and radio, 9Now (Nine's linear streaming and catch up platform), print and digital mastheads (such as The Sydney Morning Herald, The Australian Financial Review and The Age) as well as Nine's digital offerings.

CAITLIN: Can you provide us with a run-down of how you came to be in your position? Is it a role that you have always wanted? If so, what did you do to position yourself to get it? If not, how did your career path lead you here?

PENNY: I think a lot of good luck definitely helped, but I've also tried to apply for roles that I thought would be interesting or challenging or that would help me develop a particular skill set.

I started off as a summer clerk at Addisons, and then went to DibbsBarker as a paralegal. During my time at DibbsBarker, I worked hard to progress up the ranks and I put my hand up for as many different opportunities that I could. During that time I also worked with many great clients, including Bauer (now, Are Media) and decided to try an in-house role at KPMG. Whilst at KPMG I was approached by Bauer for a contract role and it was there that I discovered how interesting, fun and exciting a career in a media company could be. I am eternally thankful for that opportunity, which ultimately gave me the confidence to apply for my current role at Nine. I have been at Nine for nearly 4 years and I am very grateful to have such an interesting role and to work with so many inspiring, open-minded and supportive people.

CAITLIN: What does a typical day look like for you?

PENNY: I'm never sure what any given day might look like, but currently there have been a lot of different consultation

and review processes that I need to read, communicate, get internal feedback on, draft submissions for and also ensure Nine's interests are represented in various industry body submissions.

In the past year, there have been countless consultations but preparing Nine's responses to, and contributing to the industry body responses for, the following have been highlights: the Department's Media Reform Green Paper, the ACCC's Digital Platform services inquiry 2020-2025, the ACCC's News Media Bargaining Code, the Privacy Act Review, OP Code Bill and the Anti-trolling Bill.

There's also ensuring compliance training is rolled out and up to date, communicating changes to regulatory laws that affect Nine, day to day approvals and responding to the curly questions that always seem to come my way. I also try to provide as much feedback and knowledge as I can to those that I am lucky enough to work with and train. I've always appreciated the feedback that I've been given - it's helped me grow as a lawyer and I try to pass that on when I can.

CAITLIN: What do you like best about working in the communications and media law landscape?

PENNY: It's an exciting industry to work in - there is also a lot of change happening at the moment in the regulatory and policy space, so there is never a dull day. The odd celebrity spotting in the building is also something that I love and that will never get old for me!

CAITLIN: What developments or reforms do you see on the horizon in 2022 for the communications and media legal landscape?

PENNY: There are some really important consultations going on for the media and communications industry at the moment - the Media Reform Green Paper process is one of the biggest. This particular consultation is looking at the future of broadcast, and the sustainability of Australian news and Australian content. Critical to the sustainability of these key public policy considerations, are the following essential changes that I hope will be implemented in 2022:

1. Prominence (Australian audiences should be able to easily find and access Australian news and Australian content. We are asking for the



Penny Hobart

introduction of a new law to require that Free TV services are prominent and easy to find on connected TVs and other content distribution platforms).

2. Keep sport free (Sporting events of national importance and cultural significance are available to all Australians free of charge - thanks to the anti-siphoning list. We are asking for the anti-siphoning list to be renewed and also for it to be expanded so that these iconic sporting events are not put behind paywalls on streaming services).
3. Reduction in broadcast spectrum tax (Australia's broadcast spectrum tax is charged at a very high rate that is out of step with the rest of the world, and this tax is disproportionately affecting regional broadcasters. We are asking for a proper review of the level of broadcast tax and for the support payments to regional broadcasters to be made permanent).

CAITLIN: Who is one woman in the legal profession (living or passed) who has inspired you and why?

PENNY: One person who has genuinely helped me, on a personal and professional level is Kate Gibbons, Senior Legal Counsel at KPMG International - she is an outstanding lawyer, fantastic negotiator, and is so kind and generous with her time. She is someone who builds you up and is an amazing support. Anyone who has (or has had) the pleasure to work with her or call her a friend is truly very lucky.

CAITLIN: The 2022 International Women's Day campaign theme is #BreakTheBias. What does this mean to you? What action(s) do you think women in the legal profession can take to contribute to the movement and empower other women?

PENNY: #BreakTheBias is something that resonates strongly with me. Overall, my experiences within the legal profession have been positive, but perhaps the most challenging time for me, and where I felt that there were the most barriers to overcome,

was finding a role after being on maternity leave. I received the following comments “if you and a male candidate were the final two, they would choose the male because they don’t have family commitments and will be more reliable,” “you have not worked for 15 months, no one will want to hire you with such a large gap in your resume” and “you’re not going to be able to find a good role that is part time.”

Those comments were very difficult to hear - whether intentional or not, they did to a certain extent undermine my confidence and made me question my ability to realistically proceed with my legal career.

I think that the most powerful way that everyone can contribute to #BreakTheBias and empower women is to be open minded, to treat others with respect and kindness and to give everyone a fair opportunity to participate.

There are several women in leadership positions that I work closely with at Nine and I can see them living by this ethos daily - something that is very inspiring to me.

CAITLIN: What is the most important piece of advice you would give to a woman aspiring to be a leader in the legal profession?

PENNY: Try not to be too hard on yourself if you miss out on an opportunity, or if something unexpected or different comes up to what you had planned - there are so many different paths that can still lead to your end goal.

CAITLIN: Penny, on behalf of all our readers, thank you so much for taking the time to chat with us. Your insights have been invaluable and you’ve given us some great takeaways to think about. Happy International Women’s Day!

CAMLA

NOW STREAMING

CAMLA

THE CAMLA PODCAST

Hosted by Belyndy Rowe and Joel Parsons
of the CAMLA Young Lawyers Committee



Available Exclusively to CAMLA Members

New CAMLA Podcast episodes have dropped

CAMLA Young Lawyers have created two new episodes of the CAMLA podcast!

This is only available to CAMLA members – log in to access via the CAMLA member downloads page (scroll down past the webinars to locate). <https://www.camla.org.au/member-downloads/>

Episode 2 – Our hosts **Joel Parsons** (Bird & Bird) and **Belyndy Rowe** (Sainty Law) are joined by **Rob Nicholls** (Associate Professor in Business Law at UNSW) to discuss all things Media Reform Green Paper and the wonderful world of ‘Spectrum Reforms’.

Episode 3 – In this episode, CAMLA Young Lawyer **Jessica Millner** (Minter Ellison) speaks with **Rachael Zavodnyik** (Associate Vice President and Assistant General Counsel at Infosys Limited) about her career and progression tips for young lawyers. **Belyndy Rowe** (Sainty Law) is joined by **Meena Muthuraman** (Senior Associate, McCullough Robertson) to discuss the ‘internet of things’ (IOT) and IOT solutions.

We hope our members enjoy the latest episodes.

If you have any problems logging in, please email: contact@camla.org.au

The CAMLA Board for 2022

President:

Rebecca Dunn,
Gilbert + Tobin

Vice Presidents:

Martyn Taylor,
Norton Rose Fulbright

Debra Richards,
Netflix

Treasurer:

Julie Cheeseman,
Bird & Bird

Secretary:

Ryan Grant,
Baker McKenzie

CLB Editors:

Eli Fisher,
Paramount Network 10

Ashleigh Fehrenbach,
RPC

Committee Members:

Sylvia Alcarraz,
Dentons

Chris Chow,
Creative Lawyers

Gillian Clyde,
Beyond International

Jennifer Dean,
Johnson Winter & Slattery

Katherine Giles,
MinterEllison

Emma Johnsen,
Marque Lawyers

Rebecca Lindhout,
McCullough Robertson

Marina Olsen,
Banki Haddock Fiora

Nicholas Perkins,
Ashurst

Marlia Saunders,
Thomson Geer

Katherine Sessions,
Office of the eSafety Commissioner

Tim Webb,
Clayton Utz

CAMLA YOUNG LAWYERS FOR 2022

Chair:

Calli Tsipidis,
Foxtel

Secretary:

Belyndy Rowe,
Sainty Law

Committee Members:

Anna Glen,
ABC

Anna Kretowicz,
Judge's Associate

Claire Roberts,
11 Wentworth

Dominic Keenan,
Allens

Erin Mifsud,
eSafety Commissioner

Imogen Loxton,
Ashurst

Isabella Boag-Taylor,
Bird & Bird

Jess Millner,
MinterEllison

Jessica Norgard,
nbn

Justin Kardi,
Clayton Utz

Madeleine James,
Corrs Chambers Westgarth

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.

Disclaimer

The Communications Law Bulletin is the journal of the Communications and Media Law Association which is an independent organisation which acts as a forum for debate and discussion and welcomes the widest range of views. The views expressed in the Communications Law Bulletin and at CAMLA functions are personal views of the respective authors or speakers. They are not intended to be relied upon as, or to take the place of, legal advice.

For further information:

Visit the CAMLA website at www.camla.org.au for information about CAMLA, CAMLA seminars and events, competitions and the Communications Law Bulletin.



To: The Secretary, contact@camla.org.au or CAMLA, PO Box 345, HELENSBURGH NSW 2508
Phone: 02 42 948 059

Name:

Address:

Telephone:

Fax:

Email:

Principal areas of interest:

I hereby apply for the category of membership ticked below, which includes a Communications Law Bulletin subscription, and enclose a cheque in favour of CAMLA for the annual fee indicated:

☐ Ordinary membership \$140.00 (includes GST)

☐ Student membership \$45.00 (includes GST)
(include undergraduate full time student card copy)

☐ Corporate membership \$595.00 (includes GST)
(include a list of names of individuals - maximum 5)

☐ Subscription without membership \$150.00
(includes GST) (Library subscribers may obtain extra
copies for \$10.00 each + GST and handling)