

Communications Law Bulletin

International Women's Day
Special Edition

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The Hon Justice Anna Katzmann SC
The Hon Michelle Rowland MP

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Editors

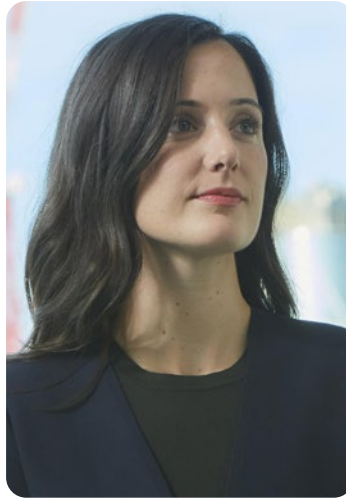
Ashleigh Fehrenbach
and Eli Fisher

Editorial Assistants

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and Lewis Graham

Editors' Note

ELI FISHER: Dear readers, welcome to the first edition of the CLB for 2023! For the third year running, CAMLA is pleased to be publishing a special edition that celebrates International Women's Day (**IWD**) by placing a spotlight on the many illustrious and diverse contributions of some of our industry's leading women. Building on the wonderful stories and advice contained in previous IWD special editions, we're pleased to again be sharing with you a series of short interviews from leaders from a range of backgrounds and experiences. Ash, could you tell me a bit about this year's IWD theme?



Ashleigh Fehrenbach



Eli Fisher

ASHLEIGH FEHRENBACH: My pleasure Eli. Today is a day to celebrate women's achievements, raise awareness about discrimination and take action to drive gender parity. The theme of this year's IWD is #EmbraceEquity. At its heart, equity is about actively supporting inclusion and diversity to collectively impact positive change, both in and outside the workplace. As Her Honour Justice Michelle Gordon AC KC so eloquently puts it, "(e)mbracing equity means accommodating people's differences, so that everyone is equally able to access the benefits of education, decide what matters to them in life, and take up one or more of the many opportunities we are lucky to have in Australia".

ELI: Wonderful, and who are we hearing from this year?

ASH: As you'll see from the cover page, it's an eclectic mix! We are celebrating the voices of brilliant women from the bench, the bar, private practice, in-house, executive roles, members of parliament, editors of national newspapers, CEOs and news presenters. Their collective experience cuts across a range of industries including media, communications, IP, advertising, government, fashion, privacy, entertainment and tech. I know you and I are deeply grateful for the overwhelming interest in this initiative, both from our interviewers and those who agreed to be interviewed. It's wonderful to see such a desire to promote and mark these achievements as part of IWD.

ELI: We are indeed, and it's clear that our readers are in for a treat with this incredible list of accomplished individuals. Were there any parallels, or things that surprised you when reading through the interviews?

ASH: Each interview tells its own unique story, but there are some common threads. What I loved was the number of interviewees who said that a key aspect that energised them about their work was surrounding themselves with good people. There has been a real celebration of the balance that flexible working arrangements afford us; but at the same time, we are hearing an emphasis on the value of face to face collaboration with colleagues. Sharing ideas and being able to mentor others in person is something to be grateful for.

Another thread of advice that came through was around seizing opportunities when they come along, despite facing what may be seen as a 'professional risk'. The ability for women to move through the professional world unconstrained is aided when, as both Sunita Bose and Katrina Rathie discuss, people open the door for others once they themselves are through. So many of the interviews contained in this edition are excellent examples of this.

ELI: Sound advice indeed. And it looks like many of our readers are keenly aware of the developments underway and on the horizon for privacy in Australia this year. We will be exploring these proposals and legislative changes throughout the year in the CLB. Is there anything else you want to add before our readers dive in?

ASH: Yes! A big thank you to everyone who gave their time to be featured, and to the Young Lawyers who conducted the interviews.

ELI: Seconded. Happy reading all!

The Hon Justice Michelle Gordon AC KC

Justice of the High Court of Australia

Eli Fisher, co-editor, sits down with **the Hon Justice Michelle Gordon AC KC**, Justice of High Court of Australia, to discuss her Honour's career and thoughts on International Women's Day in 2023.

ELI FISHER: Justice Gordon, thank you so much for sharing your insights on International Women's Day in 2023. But before we get to that, can you tell us please about your career path?

JUSTICE GORDON: Thanks Eli, it is a pleasure to speak to you today for International Women's Day.

Throughout my career, I have been privileged to be a solicitor, a barrister, a law teacher, a trial judge and an appellate judge, and for the last nearly 8 years, a justice of the High Court of Australia.

I was admitted to practice in Western Australia in 1987 and began my legal career at what is now known as Clayton Utz. In 1988, I decided to make the move to Melbourne and I practised as a lawyer and Senior Associate at what is now Allens. In 1992, I joined the Victorian Bar and practised in commercial, taxation and public law matters. I was honoured to be appointed Senior Counsel in 2003, a judge of the Federal Court in 2007, and a justice of the High Court in 2015. Throughout my career I have taught on a regular basis, which I have found both rewarding in itself and beneficial to my legal practice. In 2015 I was delighted to be appointed a Professorial Fellow of the Melbourne Law School, having taught in the Masters' program since 1999.

ELI: You have been described as a prodigious worker, and possessing of an ability to turn complex and unfathomable problems into manageable and short fundamental problems. What skills do you consider have been the most essential to you on your journey?

GORDON J: I am pleased to hear that – I certainly try to cut through to the core of a dispute. When I work on a new case, I always ask myself: What is this case about? The old

adage that facts win cases remains important. Next, you need to identify the determinative issue or issues. Why? Because it is essential to frame the right question or questions at the outset. Fail to ask yourself what the case is about and you will miss the forest for the trees. Ask the wrong question and you will focus on irrelevant matters or be unable to draw the necessary connection between the problem and the solution. Ask the right question and there is some hope you might come to the right answer.

But there must be balance. It can be challenging but I think knowing when to "switch off" is a skill that has been essential during my career. As far as possible, I try to keep to the same routine so that I can focus effectively when I am at work, but also ensure I have time to pursue other interests outside the law, be physically active, be a partner and a parent, relax with friends and family, and contribute to the various communities where I live and work.

ELI: What energises you about your work?

GORDON J: I feel so privileged to be a judge – it is such an interesting and challenging job. I am constantly learning. The law is fascinating and every case is different. That is because law is a human endeavour involving humans. I love seeing and reading about people and I love the intellectual challenge of solving their problems. But, of course, the legal system's aims are wider, and more important, than the concerns of the particular parties to the controversy in question. The proper functioning of the legal system is essential to our democracy. It is an honour to be entrusted with that responsibility.



ELI: What things do you celebrate about International Women's Day? How far has the profession, and how far has society, come?

GORDON J: It was not that long ago that women were excluded from the legal profession and from public life in Australia. My mother was sacked by the public service when she married my father in the early 1960s. A few years later they pleaded with her to return because they needed her skills. Women now have equal legal rights and protection from discrimination, but social and political change is taking longer. I am heartened because I see so many women achieving great things in many areas, including politics, the law, the arts, media, business, education and the community sector. There is also growing recognition of the unpaid work that women do, and the need for such work to be valued and shared more equitably. But there is much more that can be done and should be done.

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

GORDON J: While we have come a long way, there is still significant work to do on issues such as sexual harassment and abuse, family

violence, women's economic security, and ensuring social inclusion of all women from all backgrounds and of all abilities. We have a wonderful multicultural society in Australia but that is not often reflected in who we see in positions of power in public life.

I think it is so important to recognise and celebrate the many and varied achievements of women. While imposter syndrome by no means only affects women or affects all women, I have found that women are often hesitant or reluctant to take credit for their achievements.

My partner and I spend a lot of time in South Gippsland – along with Melbourne, we think of it as our home. Last year, I was invited to open a chamber music concert that was organised by Prom Recitals, a not-for-profit group with the simple aim of making classical music more accessible to South Gippslanders. It was a concert featuring a program of music composed only by women and performed by a chamber group of young musicians from Melbourne to mark International Women's Day. It made me stop and think about the women living in South Gippsland who make the most incredible and unheralded contributions to the community. I discussed this with the organisers, and together we came up with the idea of a 12-month documentary project aimed at shining a light on some of the extraordinary women who live in South Gippsland. We launched *Celebrate Her! Stories of South Gippsland 2022* at the chamber concert. The people of South Gippsland were asked to nominate a woman they wanted to see celebrated. We received many nominations of women of different ages, backgrounds and experiences – including nurses, firefighters, artists, environmentalists, carpenters, mothers and farmers. And, this International Women's Day, we are launching a book of 23 women in 2023 which will tell those women's stories and celebrate their achievements and significant contributions. So much is being done out there by women. We need to recognise and celebrate women's many contributions to our society.

ELI: The theme of this year's International Women's Day is "Embrace Equity". What does this mean to you?

GORDON J: Equity cannot be achieved through equality. But equality can be achieved through equity. Understanding that difference is critical. It recognises that treating everyone the same may not be fair – and that difference, justice, injustice and inclusion as well as other factors need to be taken into account to achieve equality. My long-held belief is that education and opportunity are essential to human flourishing. Embracing equity means accommodating people's differences, so that everyone is equally able to access the benefits of education, decide what matters to them in life, and take up one or more of the many opportunities we are lucky to have in Australia.

ELI: I recall your insights on automation and the rule of law in a paper you delivered in 2018. With the increasing popularity of AI tools, how might our society continue to be guided by the rule of law when contemplating the value of automated decision-making tools?

GORDON J: Thanks, there certainly have been further technological developments since that paper. The Australasian Institute of Judicial Administration and the UNSW Faculty of Law and Justice recently released a report on AI Decision-Making and the Courts, which presents an overview of various AI and decision-making tools and raises the possible challenges and opportunities they present for our courts and tribunals. The report examines the impact of AI tools on core judicial values, including open justice, judicial accountability, impartiality and equality before the law, procedural fairness, access to justice and efficiency.

I commend the AIJA for their report – as technology is developing so quickly, it is important that we are having these conversations now. Technology has the potential to bring enormous benefits to our legal system. We saw that over the last few years when the use of digital platforms allowed our courts to continue functioning

despite a global pandemic. And there continue to be great developments in AI-assisted legal research and document review. But the experiences of governments and societies since the industrial revolution have made clear the limitations of technology. The focus should not be only on technological capabilities. The challenge is now to continually step back and ask: Why do we want to use this technology? How should we use it, and for what purpose? We need to recognise the likelihood of system failures and unintended consequences. As I have said, law is a human endeavour involving humans. Ultimately, we need to ask: what kind of society do we want? What role does the rule of law have in that society? And what role do humans have in the rule of law? The answers to those questions will guide decisions about how we use technology in the legal system.

ELI: What is the best professional advice you have ever received, and what advice would you give to the next generation of female leaders coming through the legal profession?

GORDON J: Don't specialise too early – that is the best professional advice I have ever received. There is much to be learned in undertaking as wide a variety of work as you can, and the lessons you learn in one area of the law inform how you go about work in any other area. The law is not a series of silos. Don't let yourself be pigeon-holed. And don't discount your abilities – take any opportunity that is given to you with both hands and run with it. Another piece of advice that I have benefited from in my career is to surround yourself with superb mentors. Now I try to pay that good fortune forward by acting as a mentor. Practising law can be difficult and at times isolating – it is so important that we support each other.

ELI: Thank you Judge. 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!

The Hon Justice Anna Katzmann SC

Justice of the Federal Court of Australia

Ashleigh Fehrenbach, co-editor, sits down with **the Hon Justice Anna Katzmann SC**, Justice of the Federal Court of Australia, to discuss her Honour's career and thoughts on International Women's Day in 2023.

Justice Katzmann was admitted to the Bar in NSW in December 1979. Between 1980 and 1983 her Honour also worked as a lecturer at what is now known as the University of Technology, Sydney. In 1997, she was appointed Senior Counsel and elected as a member of the Bar Council continuously from 1994 until 2010 including as President from late 2007 until 2009. In 2002 she was named by the Women Lawyers Association of NSW as a 'woman lawyer of achievement'. She was the Patron of the NSW Young Lawyers for 2012. Her Honour was appointed to the Federal Court of Australia with effect from February 2010.

Justice Katzmann was also a director of the Tristan Jepsen Memorial Foundation (**TJMF**) (later known as Minds Count) from its inception in 2009 until 2019 and a director of Neuroscience Research Australia (NeuRA) from 2013 until 2018 and was the Chair of the Governing Council of NeuRA from 2018 until 2022. Her Honour is also a member of the Advisory Committee to the Gilbert + Tobin Centre of Public Law at the University of New South Wales and a Fellow of the Australian Academy of Law. In 2019 she was awarded a Doctorate of Laws (honoris causa) by the University of New South Wales for eminent service to the community.

ASHLEIGH FEHRENBACH: Judge, thank you so much for sharing your insights on International Women's Day in 2023. Before we get to the subject to hand, could you please share with us your career path and the key moments that led you to become a Judge in the Federal Court of Australia?

JUSTICE KATZMANN: I enrolled in a law degree with the object of becoming a barrister, originally intending to take the orthodox route by first becoming a solicitor. Instead, I took up a position as a lecturer in law at the University of Technology, Sydney (then the Institute of Technology). As I thought the notion of teaching law without any experience in practice was a foolish one, I was admitted to the bar and, after six months preparing the course I was required to teach, I obtained a reader's room. It was theoretically feasible to teach and practise because classes did not begin until 4pm. So that is how my career started. I had no connections. I don't know why I thought this would work. But it did. One benefit of this course is that I never had to worry about money because I was receiving what I regarded as a good salary from teaching.

In time, as my practice developed, I moved from full-time to part-time teaching and within about three years I left teaching altogether to concentrate on practice.

I never contemplated becoming a judge until a judge first asked me whether I was interested. I certainly never expected to be appointed. It was a stroke of luck that I became a judge of the Federal Court. I was in the right place at the right time.

ASHLEIGH: As a barrister, you were known by your colleagues as having a most competent and formidable mind, tenacious in cross-examination when required but courteous to the bench and the lawyers. What skills do you consider have been the most essential to you on your journey?

KATZMANN J: A capacity for hard work, constant self-reflection, resilience and an ability to learn from my mistakes.

ASHLEIGH: What energises you about your work?

KATZMANN J: The ability to bring about the resolution of disputes, at times making a positive difference to people's lives, and the problem-solving itself.

ASHLEIGH: The theme of this year's International Women's Day is "Embrace Equity". What does this mean to you and how can you see the legal profession benefitting from focussing on this theme moving forward?

KATZMANN J: Embracing equity involves recognising that every person's circumstances are different and that resources need to be allocated and opportunities made available to enable all of us to achieve an equal outcome. Embedded within the concept is the notion that sometimes treating people equally can perpetuate inequality. The benefits are self-evident.

ASHLEIGH: You were a founding director of the Women's Legal Resources Centre and an executive member of the Women Lawyers Association of NSW. Could you tell us a bit about those organisations and what they are seeking to achieve?

KATZMANN J: My good friend, Kim Ross, and I wrote the submission to the Wran Government that secured funding for a women's legal resources centre to assist women, particularly those of limited means, to acquire legal assistance. The centre was established in Lidcombe.



It is a matter of some pride to us that the centre – established at a time when community legal centres were few and far between – is still operating four decades on. The Women's Legal Service NSW, as it is now known, continues to provide free legal services to women especially those who are socially and economically disadvantaged. Its focus is on domestic violence and sexual assault more generally, family law issues, and discrimination. The Women Lawyers Association is, as its name indicates, an association of women lawyers. It has a much longer history, going back to the early 1950s. It promotes the interests of women lawyers, including equality of opportunity and mutual support.

ASHLEIGH: What is the best professional advice you have ever received?

KATZMANN J: The best professional advice I ever received, I believe, was to hire an accountant. The best professional advice I have offered, I believe, is to maintain a balanced life and not allow the pressure of work to become overwhelming.

ASHLEIGH: Who are some women in the profession whom you really admire, and why?

KATZMANN J: I admire those women who have juggled practice at the bar with raising children, particularly those who have had to do so on their own or with little or no support from their partners.

I have long admired Mary Gaudron and others like her who were fearless, succeeding against the odds, and who eased the way for women lawyers of my generation in particular.

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

The Hon Michelle Rowland MP

Minister for Communications

Belyndy Rowe Senior Associate, Bird & Bird, sits down with **the Hon Michelle Rowland MP**, to discuss the Minister's career and thoughts on International Women's Day. Minister Rowland is the Minister for Communications in the government of Anthony Albanese following the ALP's victory in the 2022 Australian federal election. Prior to entering Parliament, she was a senior lawyer specialising in competition and regulation in the telecommunications, media and technology sectors.

BELYNDY ROWE: Thank you for chatting with us, Minister. Did you always want this job? How did your career path lead you here?

THE HON MICHELLE ROWLAND MP: Being the Minister for Communications, or a Minister at all, was not part of the plan. However, it happens to mark the perfect intersection of communications law and my grounding belief that everybody, regardless of their means or postcode, should have equality of opportunity to succeed in life. And now, it is the greatest privilege of my life to make positive change in my area of policy passion.

BELYNDY: What recent events in the Australian media law landscape occupy your attention?

MICHELLE: The exacerbation of misinformation and disinformation in the digital age, given even greater prominence since the pandemic, is an issue that continues to demand reform in a technical and policy sense, affecting the role I'm in on a day-to-day basis.

Misinformation and disinformation have the real potential to cause harm – from Australian consumers, to the Fourth Estate. We're up against anti-democratic forces at a time where democracy is fragile. Preventing harm that misinformation and disinformation can cause, is part of a bigger protective piece in keeping Australians safe.

The sheer immensity of misinformation and disinformation online means Government must approach this in a collaborative way. And we have: we engage with industry, across portfolios, and are making a clear-eyed assessment of the challenge. Accordingly, we decided we need extra enforcement powers to keep Australians safe from information that can cause harm.

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

MICHELLE: "Pick your battles".

BELYNDY: What energises you about work?

MICHELLE: Being around smart people; including the Department, individuals right across the sector, the agencies in my portfolio, and our Ministerial Office. Everyone wants to solve problems and make Australia better.

You're not in the Communications sector unless you're passionate about this area and the outcomes it can achieve – from broadcasting, to telco, to media. Ultimately, everyone is in it because we want people to be connected, and in a way that is safe.

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

MICHELLE: The 2010 election was certainly the greatest risk I have taken as a professional. I was elected on the slim margin of less than a whole percentage point, at a 0.8 per cent margin.

By putting my hand up to be the Federal Member for Greenway, I was trading in a challenging but balanced career trajectory as a telecommunications lawyer on the rise, forfeiting a stable professional life and submitting myself to public scrutiny and my family to separation.

I call this a multifaceted risk matrix, and I live with that risk every day. But, the bigger the risk, the bigger the reward – and it continues to be my life's greatest privilege to serve this country and make real reforms. That's why I don't waste a day in the job.



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

MICHELLE: Sansa Stark from Game of Thrones. She had the most difficult life, and still became Queen of the North – the greatest character arc of all time. And she had the best line in screen history: "I'm a slow learner, it's true. But I learn".

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

MICHELLE: 'Embracing equity' means addressing systemic disadvantages so all women can access opportunities to succeed. It's all about a fair go. Putting this into action, this means reaching out to women who may need an extra hand, anytime and anywhere.

I have always tried to do that and continue to challenge myself to keep true to that.

BELYNDY: Thank you for sharing your wisdom with us! Happy International Women's Day! Thanks very much for your time.

Katrina Rathie

Non-executive Director of SBS and
Former Partner in Charge, KWM

Alana Callus, lawyer at Gilbert + Tobin, chats with **Katrina Rathie**, non-executive director of SBS and former Partner in Charge of King & Wood Mallesons, about her career, leadership and International Women's Day. Katrina is a business leader, lawyer and advocate for gender and cultural diversity. Katrina was Partner in Charge of King & Wood Mallesons in Sydney, where she led the Media and Entertainment Practice. Katrina is currently a non-executive director on a range of boards including the Starlight Children's Foundation, ASX-listed Bubs Australia, NSW Rugby Union, SBS and Cranbrook School. In 2019, Katrina won the AFR 100 Women of Influence Award for the Board and Management category. She also serves on the UNSW Law & Justice Advisory Council and is NSW Patron of the Asian Australian Lawyers Association.



ALANA CALLUS: Drawing on your diverse range of professional experiences across law and corporate governance, what interested you in intellectual property, media and entertainment?

KATRINA RATHIE: I started my love of intellectual property, media and entertainment at law school, but ultimately when it came to joining boards after my legal career was over, I came full circle, back to a media directorship at SBS. For me, it is such a perfect role that combines my love of media with my passion for diversity, inclusion and belonging, making it an ideal fit.

I have always been fascinated by the currency, topicality and ever-changing nature of the media and entertainment industries – the interesting people, the events that happen 24/7 across the news cycle, the excitement, unpredictability and never really knowing what tomorrow will bring. I love the intellectual challenge of working in the world of IP, particularly in the digital world where copyright, social media and defamation law need to be radically reformed to keep pace with the ever-changing technology, AI, 24/7 online world and social media. My favourite areas are brands, trade marks, copyright, advertising/marketing, celebrity rights, media and sports rights – what's not to love?

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

KATRINA: These days, I never know what a typical day will involve, but it usually starts with a work-out with my trainer (who keeps me

accountable!) and taking Scout, my Maltese Shi-tzu out to the park for a run-around. Then it's usually board meetings, coffee meetings, emails, work lunches, speaking engagements, dinners with family and friends, reading or watching the news.

ALANA: What is the greatest risk you've taken in your professional life?

KATRINA: Walking away from a stimulating job that I absolutely loved at the peak of my professional career and deciding to change course to a Non-Executive Director career.

ALANA: What have you learned about leadership during your time as Partner in Charge at King & Wood Mallesons and now on the board of multiple prominent organisations?

KATRINA: Great leadership is about how you make people feel – inspired, uplifted and empowered to do their very best for the organisation, hopefully where passion, purpose and meaning collide. It's about connecting with people genuinely and authentically, making them believe and feel that they are part of a special journey together, where everyone's contribution matters and counts. Regular communication is critical and the simplest messages cut through best. As a leader, I subscribe to the maxim that culture definitely eats strategy for breakfast. Even though strategy is important, businesses flourish when there's a great culture with impeccable execution by great people. You can feel a great culture as soon as you walk into a place and see happy people busily buzzing around doing amazing things.

ALANA: The 2023 International Women's Day campaign theme is #EmbraceEquity. As an advocate for gender and cultural diversity in Australian media, what does this year's theme mean to you and how do you think the industry can better promote and embrace equity?

KATRINA: The media industry can better promote and embrace equity by adopting production principles that require diversity and having more programs that showcase diverse and multi-cultural communities in Australia. We need to see our screens reflect and mirror the audiences in our communities and on boards, including media boards. I think that's what #EmbraceEquity is all about.

I serve on the Board of SBS and on the Advisory Board of Media Diversity Australia, and both of these organisations are leading the way to promote gender and cultural diversity in the Australian media industry. At SBS, 65% of employees are female, 59% have culturally diverse backgrounds, 15% are LGBTI and 5% are indigenous. They have so many amazing programs to support diverse groups such as flexible working, anti-racism, targets for women in tech and programs designed to place people of colour in frontline leadership roles. But the one that I am most excited about is the SBS Menopause Program which supports women during peri-menopause and menopause, a subject that has often been taboo in many workplaces. The symptoms of menopause affect many women for several years in their 40's and 50's, just as they are in their prime in the workplace. We need to talk more about this phase of life and help women through, rather than have women suffer in silence, pretend it's not happening or leave the workplace.

Media Diversity Australia is celebrating its 7th birthday. I have been on their Advisory Board since the get-go. It's been great to be a part of a kick-ass NFP that has made some noise and punched above its weight. Their loud advocacy and cadet programs have created a strong awareness of the need for greater cultural diversity on mainstream television networks, news and current affairs programs as well as behind the scenes in production and newsrooms.

ALANA: Who is one woman in your industry (or rather, industries) whom you really admire, and why?

KATRINA: I must say that Amal Clooney is one woman that I really admire. A fiercely intelligent barrister and international advocate for human rights, a mother of twins, married to one of the world's leading men whom she effortlessly manages to upstage every time they are photographed together. She is beautiful, glamorous, smart and never seems to put a foot wrong.

If I can be greedy and have two, then I have got to say that I adore Michelle Obama – she's inspirational, relatable and very real. Close to home, I admire my former King & Wood Mallesons partner, Her Honour Jayne Jagot's recent rise to the High Court of Australia and Her Honour Julie Ward's Presidency at the NSW Court of Appeal. Both are lawyers and former colleagues at the very top of their game.

ALANA: What advice would you give to the next generation of female lawyers and leaders?

KATRINA: Always support other women – mentor them, sponsor them, teach them, bring them through, brief female barristers, join female leader networks, support the sisterhood! As the late Madeleine Albright said, *"There's a special place in hell for women who don't support other women"*. Leave the ladder down behind you, be a role model so that other women can be who they can see.

It's the big *and little* things that matter. When you check in and say "how are you?", really listen to the answer, teach people on the job in the moment, acknowledge people's contributions, say thank you, treat everyone with respect, have impeccable manners. Know that it's never too early to speak up on the issues that really matter, or put your hand up for a role that might seem a bit of a stretch. Use your voice, be heard, never leave a room wishing you'd said something you should have. Live in the present and have no regrets.

Use your negotiation and tactical skills to step up and try to make a difference in the world. Give back, volunteer, donate and support your community. Engage and cultivate broad networks both inside and outside the law – the non-legal networks will become more important to you as your career progresses. Don't be siloed or too narrow. Think and read broadly and keep abreast of emerging trends in areas such as AI, digital intelligence, cyber, robotics, space, environment, ESG, but ultimately, do what you love.

Meet the CAMLA Board for 2023!



CAMLA recently held its AGM and the following positions were filled on the CAMLA Board for 2023:

President: Rebecca Dunn

Vice-Presidents: Debra Richards & Martyn Taylor

Treasurer: Julie Cheeseman

Secretary: Rebecca Lindhout

Communications Law Bulletin Editors:
Eli Fisher & Ashleigh Fehrenbach

Sylvia Alcarraz
Chris Chow
Gillian Clyde
Jennifer Dean
Katherine Giles
Emma Johnsen
Nick Kraegen
Marina Olsen
Nick Perkins
Marlia Saunders
Katherine Sessions
Calli Tspidis
Timothy Webb

Sandra Sully

News Anchor, Journalist and Editor, Network 10

Emma German and **Eli Fisher**, Senior Legal Counsel at Paramount, sit down with **Sandra Sully**, news anchor, journalist and editor, to discuss her legendary career in the Australian media industry, authenticity, International Women's Day, the oft-overlooked plight of older women in society, and learning to find one's voice.

ELI FISHER: Sandra, on behalf of our readers, thank you so much for chatting with us about International Women's Day and your observations of the Australian media industry. Could you explain your current roles and how your career led you to this point? Is this a career that you always wanted?

SANDRA SULLY: It wasn't the career I always wanted. I fell into media by accident. So, mine has been a very serendipitous route. I landed a job in television almost by accident and, at the time, was studying a Bachelor of Business, which in hindsight was not very wise. After landing a job in television, I essentially fell in love with the business. So, then I switched my degree to journalism (but to this day, I still haven't finished it: the job kind of took over!) So, I'm really a product of the old-school cadetship programme that a lot of journalists went through, back in the day.

In terms of my current role, I am currently a news anchor. I always think the term 'newsreader' sells us a bit short – it portrays us as somewhat of a talking head, where newsreaders these days are journalists. I'm a journalist. I have a lot of input on the desk most days, to the annoyance of my peers I'm sure at times. But what I love about news is the robust environment before it gets to air, in terms of arguing news value and where it should sit in the priority of the rundown. I present for both New South Wales and Queensland, which is lovely for me because I'm from Queensland originally.

Outside of my news and journalist role – I am also Vice President of Hockey Australia and on the Board of Hockey One. I've been on the Hockey Board for more than nine years. I find it extremely rewarding and challenging to be a Board member for a national sporting organisation. I've learned so much about business, Board room behaviour, good governance and accountability. It's been really rewarding to be able to give back and contribute to something I am passionate about, so I've absolutely loved it. I must admit I do love hockey. I played it for a long time as a teenager,

both in high school and then in club land, in Brisbane. Again, it was another serendipitous opportunity that came about when the Board felt it needed some media expertise and communication insights. It's been one of the best things I've ever done – I really love it.

EMMA GERMAN: What does a typical day look like for you? It sounds like you don't have many typical days.

SANDRA: I block out in my diary 1pm-8pm every day, and that's the official on-duty news presence. I'm either in Hair & Makeup going through rundowns, or I'm presenting the news. But outside of those hours, I'm working as well: I go to bed and wake up listening to ABC or BBC. I'll scan through three or four major newspapers and major news websites every day. I would be across most of the emerging stories on any given day. I feel that that's an essential part of my job even before I arrive and after I leave. And then, when you throw into the mix social media, you get a sense of the amount of news being consumed during the off-air hours. I try not to let social media take control, but really glide through it and cherry pick what I think I need for the job.

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

SANDRA: The greatest risk I took, I didn't choose. And that was sitting in the chair for 9/11. That was the most challenging broadcast in my career. We broke the story here in Australia. I recall vividly thinking that we were on the precipice of World War 3 that night. And this was before social media. You didn't have your cable broadcasters in the way you do today. You ONLY had CNN and CNN froze in disbelief and horror. Everybody did, especially sitting here on the other side of the world, in the Southern Hemisphere. "Daunting" is an understatement but I honestly didn't have time to think about it too much or process it. I just had to do the job and I hope I did an adequate job to impart the historic nature of the event and the magnitude and scale of it, as well as not incite panic and get the tone right.



ELI: Did 9/11 change the way you consume news? A lot of people had a reaction to 9/11 where they check the news 15 times a day because everything had the potential of changing in the blink of an eye.

SANDRA: I don't think it changed the way 'I' consume news, but it did change the way most Australians consume their news. Suddenly, Australians realised that they were global citizens. Technically, of course, we always were but before 9/11, we didn't live it, own it and breathe it. That day the world changed irrevocably. Everyday Australians realised that what happens on the other side of the world has a profound influence on our day, and on our connections to friends, family and to the world in which we live. By the end of my Late News experience – I had been there for nearly 18 years – I was very aware that the world wakes up as Australia winds down. So, I had always looked abroad, because that was a significant portion of our bulletin every night: bringing Australians up to date, wrapping up their day while always foreshadowing the important issues that were emerging globally.

EMMA: It's that one day, I suppose, for people of our generation, where everyone remembers when and how they found out about the news.

SANDRA: Yes. To this day, people still stop me in the street or at events and functions and say, "I just want to say I was with you that night" and I feel we have a really special bond. Because those who woke up to the news had to accept the fact that it had happened. And while it was gobsmacking and it took a while to

process, for those of us who watched it: we lived the terror and we lived the drama and we lived the horror, including of groups of people jumping to their deaths, because the only way out of that building was to jump. You can't imagine what that was like unless you lived through it.

ELI: Do you feel like the relationship that you could have with viewers back in 2001, and before, is different from the relationship you can have with viewers in 2023, because of the diffuse way that news is reported?

SANDRA: I hope people tune in because they feel we're a trusted news source. It's been very difficult in the last, say, 5-8 years because people consume their news now from so many dubious sources. The concept of fake news has sadly permeated the lexicon. I always encourage people to support Australian journalism, of course, but to support quality news sources. Whether it's TEN, ABC, BBC, CBS, or The Guardian, you can find trusted news services. You don't have to go to the social platforms for trusted news. You can get headlines and alerts, and I don't begrudge anyone for getting headlines and alerts anywhere, but you do need to actively filter where you're getting your information from, because it determines your reality – and the attack on the US Capitol on 6 January 2021 is a classic example of that.

EMMA: I wonder whether we're starting to see a trend of people resisting social media as a source of news and current affairs now, a trend back toward caring about the source and the quality of what they're reading.

SANDRA: A lot of journalists live in the echo chamber of Twitter. And that doesn't have as broad an appeal to the population as it does, say, to journalists. But it is a significant news source for our business, and you know whom to trust and to follow, and whom not. It is an important tool, but I would caution people against using some of the other social media platforms. I think Australians and most people are building up a resistance and do not believe everything they see.

Social media gets a bad rap, but in many respects a lot of that is their own doing. A lot of the pushback is the toxicity of it. I work in a great organisation, but my daily subject matter can sometimes be quite negative. I have learned to process upsetting news stories in a way so that they don't dominate my day. Otherwise, I would be crouched in a corner, fretful to leave the house. You learn some of those tricks to park these stories in the right place, because you do need joy, and you do need to get through your day. The toxicity

of social media has turned a lot of people off, and not just the toxicity of trolls and the doom-scrolling – but also the heavily curated look-at-me tediousness of people's fabricated existence designed for the shallow approval of a swarm of strangers. That's not real to me. I'd urge people to focus on those valid, more important connections around them that are real: families, friends, colleagues.

EMMA: What trends in the way that news is reported most occupy your thoughts?

SANDRA: We are in technological quicksand, meaning there is no sure-footed future. The landscape is one of revolutionary change. It's a matter of keeping up with it, in terms of the way we gather news and present it, and the way people consume it. That's half the fun and challenge though. The other part of your question that I want to address is this. What's been really interesting from a linear TV perspective is that the ratings no longer accurately reflect the real audience or viewership. We're judged on metrics that aren't real anymore. We have confidence that the numbers are not real, and we have our own way of ensuring that the reach is solid and that we do connect with people. It is always a constant challenge to find better ways to meet the consumer, but the old concept of TV being a linear environment is simply old news and is one that doesn't exist anymore. I see that in the sporting world a lot. For example, you look at the rise of the Matildas. They're now arguably the fourth most recognisable national team in the country. A lot of their fan base and loyalty come from those who consume the Matildas' information from social and non-linear means i.e., apps, digital engagement and fanbases.

ELI: What's the best professional advice you've ever received? And what advice would you give to your younger self, if you could?

SANDRA: I'm loath to rattle off a cliché, but when it comes to change, this one is a favourite: If you always do what you've always done, you'll always get what you've always got. So it tells me that I should see change as an opportunity. And: Manners are free, but they'll take you a long way. Manners might be old fashioned, but they're never out of fashion. If the pandemic taught us anything, it's that we are social beings and to exist and survive and succeed, I think you must be able to communicate and get on with your colleagues and try to understand each other.

In terms of other advice, the best advice I ever received was from [former Governor General] Dame Quentin Bryce: "Sandra, you can have it all, just not all at once."

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

SANDRA: For four years, I collaborated and co-edited a book called AGENDA, for International Women's Day, which I am really proud of. We won Book of the Year last year, which was a real thrill. The best thing about AGENDA is that we elevated and celebrated everyday Australians through their stories and how they were making a difference. We initially set out to capture the Australian women's perspective on International Women's Day, and each year the theme would change. Particularly through the two years of COVID and the pandemic, it was also about showcasing so many of our unsung heroes – the women on the frontlines, who often aren't celebrated or recognised. And it's not just the typical professions of teaching and nursing, but firefighting, construction, rescue, SES, etc. You know, the Commissioner of NSW State Emergency Services is a woman, Carlene York. So, it's about showcasing them and their stories.

EMMA: And what are the issues that concern you most about International Women's Day?

SANDRA: There's no question we are making inroads, but we can't say we're there. We still have a long way to go. A recent media study provided further proof that even though there is better female representation for women on television, when it comes to experts being quoted, there is significant underrepresentation. When I started, you saw very few older women on television or being interviewed, unless in the traditional roles, but now you do – and you now see more women of colour, different ethnicities, sizes and shapes. And that's brilliant. They were the former straitjackets by which we were judged. Age, size, shape – let alone the other prerequisites.

Another focus of late is politics. Again, there has been a significant shift, but we still have a lot of work to do in this particular area – just ask Julia Banks! And I also want to applaud the work of Kate Jenkins, for her academic analysis of the political process and where women sit and how the support they need to simply be able to do their jobs is currently so inadequate. Industries are being tackled one by one, but from a wholesale perspective there's still a long way to go. When you look at someone like Georgie Dent from The Parenthood, she's elevating the importance of not just childcare, but shared parenting and what value we place on all that unpaid work. Caring is not just caring for children but for extended family, the elderly. All those unsupported, unpaid roles are slowly being addressed and we can't back off while there's still so much progress to be made.

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

SANDRA: I really love this theme. The "Embrace" part of it, to me, highlights that having equity isn't something that we should merely think about or do, but something that we should submit to wholeheartedly. It is an objective toward which we must spend our lives striving. It's not just #DoEquity or #ThinkEquitably; we should *embrace* it. What does the "Equity" part of the theme mean to me? I read that as promoting and fostering inclusion in our work and professional lives. Inclusion is something that encompasses all individuals. We're conducting this interview during the Pride festival, and this is a special time for promoting and fostering an inclusive workplace and society for the LGBTQIA+ community. Equity absolutely includes inclusivity of sexual diversity, but for me, we also need to focus on the aged – in particular how ageing our society is. Older women are increasingly invisible, yet women over 55 are the fastest growing group of homeless people in Australia. In the most recent census results, the ABS found that the number of older homeless females increased by 31% between 2011 and 2016. These are statistics that need addressing, and the next census release date is later this month – so we'll have an updated picture of how this difficult challenge is tracking.

But to bring it back to the media industry, a classic example that I notice is in newsrooms: there is a hunger to employ the next best thing out of university. And universities are of course a great source of new talent. But there is a massive cohort of people who may have dipped out of the workforce for whatever reason and may want to come back. There are lots of talented people who are interested in a career shift as they get older, but why do we seem to only open those opportunities to the young? People are being asked to push retirement back. There are a lot of opportunities for permanent part-time work, but industries rarely look for middle-aged or more mature men and women. There is an assumption that senior people won't take those roles because the pay scale is too junior. But how does one know if one doesn't ask? We make a lot of unfortunate assumptions when employing new staff – discarding so much talent, knowledge and wisdom.

ELI: In a previous IWD edition, another interviewee, Bev McGarvey, said this about you: "If you look at people like Sandra Sully, she's incredible in this way. She will speak up. We did this panel together for International

Women's Day and Sandra has many stories to tell and has been in the business for a long time. She has always been bold enough to speak up. I think it's incredible that she uses her voice in that way, because it would be easy to not do so, but she always has. There are lots of other people like her who have a powerful voice and they use it. I really respect that. If you have a voice like that, and you're not using it, I think "that's a sad waste." Sandra, we've talked about the AGENDA books that you referred to earlier; but can you talk us through some of the other causes and issues that you're passionate about?

SANDRA: I am very proud to say that I am Patron of SpinalCure Australia and have been for more than 20 years. I'm really passionate about showcasing the marvellous work that we do here, advancing the cause of finding a cure for spinal cord injuries. Australia, unbeknownst to many, is at the forefront of finding a cure. Our research teams are doing marvellous work. This all came about, again, through a serendipitous meeting with Christopher Reeve, the original Superman, 25 years ago. Having known so many people who have suffered spinal cord injury and how life-changing it is, we long for the day when we can make the un-believable 'BELIEVABLE'. We managed to lobby the New South Wales government for \$15 million in funding a couple of terms ago, and we are currently pushing for more. So that's a big part of what I do when I'm away from here. We lobby as much as we can; we try to open doors and solicit as much support as we can – both federally and more locally to help find a cure for spinal cord injuries, because it's no longer a matter of 'if' but 'when'.

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

SANDRA: Gosh there are several, but of late, I had the great pleasure of spending time with [10 News First anchor, for Adelaide and Melbourne] Jennifer Keyte in London for the Queen's funeral. What a great gal! We struck a lovely bond and friendship. As an older woman in the industry, not only is she a survivor, but she's also got a largesse of spirit and warmth that's infectious. She's so generous with her time, and yet so clever and strategic.

Of course, I will mention Bev [McGarvey, Paramount ANZ co-lead]. To see someone chart a steady course through all the upheaval of our industry in the last 17 or so years has been pretty impressive. What I really admire about Bev is that she has come up through the ranks,

and there's been loads of adversity along the way, but she just seized every opportunity and found a path through.

Another one is Tracy Grimshaw, without doubt. Tracy was one of the best interviewers without peer (apart from you two). I love Tracy because she's always been the consummate professional, but never afraid to speak her mind and be herself. I think in our game, but equally true for every industry, it's an authenticity that you must find within yourself that other people will relate to. I respect the fact that when you first start out on your career path, it can be daunting because you don't really know who you are professionally, you are still finding your way professionally. A wonderful part of the journey is starting to own your own skin as you, ahem, *get older*.

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

SANDRA: That's an interesting question. One of the things I really like doing aside from what we have already discussed is that I'm part of a mentoring group for executive assistants in the business world. We meet about eight times a year. They're not to be dismissed as "just" executive assistants: they're the eyes and ears of every major organisation, they're the keeper of secrets, and they hold the key to the front door, which is the CEO's office. Part of their skillset is honing their diplomacy skills. They're often an underestimated part of many workplaces, but what I've learned from so many of them is that as they navigate all the challenges that they deal with, the successful ones learn to refine their ask and find their voice. The same can be said across nearly all industries.

For emerging female leaders, it is important to put the ladder back down as you climb up and help others up behind you.

I would also say this. I'm a big believer in saying "yes" to nearly everything and working out the "how" later, but it is equally important to clarify your priorities, because once you have your matrix, everything falls off the back of that. For example, I want to help a lot of charities, but there are only 24 hours in the day. By refining my priorities, it helps me work out what I can and can't do and what's authentic to me.

EMMA: Thank you so much Sandra. On behalf of our readers, we really appreciate this wisdom and your generosity for sharing it with us. Happy International Women's Day!

Natasha Eves

Regulatory Affairs Manager, Free TV

Akmal Chunara, Senior Associate, Clayton Utz, speaks with **Natasha Eves**, Regulatory Affairs Manager, Free TV Australia (**Free TV**), about her career and thoughts on International Women's Day. Natasha has substantial experience representing free-to-air media (having previously worked for SBS) across policy, government relations and industry engagement, and has a background in media policy and arts and cultural policy. Natasha is a member of the committee of the International Institute of Communications Australian Chapter and has previously held roles at the International Federation of Arts Councils and Culture Agencies, and the Australia Council for the Arts.

AKMAL CHUNARA: On the occasion of International Women's Day 2023, what does the campaign theme #EmbraceEquity mean to you? How do you suggest readers implement that theme in their work and personal lives?

NATASHA EVES: I think this year's theme is so important because it's about recognising and embracing individuality and supporting each person in a unique way. Whether you're talking to someone in your personal or your professional life – ask questions. What is the outcome that they want to achieve? Why do they want to achieve it? Without knowing this, you won't know how to support them. Being able to express an outcome (a goal, a dream, a way of envisioning a life) is incredibly important in understanding how you might work with them to achieve that. Secondly, it's about identifying challenges to achieving this outcome and how to overcome them, for that individual. These might be conversations you have with your team, with your friends, and might even be something you want to consider for yourself.

AKMAL: What impact have strong female role models had on your personal and professional life?

NATASHA: Over many years, I have had the pleasure of being surrounded by strong women, and that has meant that I have very rarely seen barriers in my professional life from that point of view. I have worked for four female CEOs throughout my career – across the arts and media – one of whom started the organisation herself. I have been able to watch them manage boardroom conversations; balance cultural differences across international borders; and perhaps most importantly, to experience how they lead others.

Seeing people with whom you can identify, taking a leadership role in their chosen career and/or achieving goals in their personal lives, gives you confidence. It allows you to take inspiration from the aspects you admire most and implement that into your own working and leadership style, and into your own life more broadly.

AKMAL: How did you come into your current role?

Like most people, it wasn't a linear path! I started working in arts and cultural policy straight out of university, and then after about ten years, I moved to media policy, taking on a role at SBS. When the role at Free TV came up, I was excited for the opportunity to learn about commercial media, and to contribute to public debate on issues also relating to rural and regional broadcasters.

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

NATASHA: I work on a hybrid model – 3 days in the office, and 2 from home, which is a good balance, and also means I rarely have a 'typical' day. Our office is based in North Sydney, so I head over there first thing and have a coffee, catching up with colleagues. Then it's straight on to looking at the upcoming policy priorities – at the moment, there are quite a few inquiries and reviews in progress, to which Free TV is submitting (for example, National Cultural Policy, news diversity, privacy). We have regular meetings with the policy directors of metropolitan and regional networks to talk through these priorities and the Free TV positions on them, and that engagement continues throughout the process. We also have discrete Free TV projects to work on, and projects with other industry partners. I am likely spending the afternoon meeting with



colleagues from other organisations, looking at how we can work together. Media policy and regulation is a relatively small world so it's always lovely to connect with others who are working on similar issues.

AKMAL: How do you unplug from work?

NATASHA: I am currently doing an online cooking course, so I'm busy in the kitchen. The most recent dish I made was a braised pork belly with coconut, pineapple and chilli – I halved the amount of chilli in the recipe, and it was still burning! I'm also lucky enough to live near the beach, so I'm doing lots of walking and swimming at the moment – a sunrise swim really sets me up for the day.

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

NATASHA: Balance stability with trying new things – which is probably an annoyingly contradictory piece of advice. I have seen the benefits, though, of staying in a role and/or an industry for a number of years, so that you can create connections and relationships and to be able to see and analyse trends. Often, it is these connections, or those skills you have built over years, which will provide you the opportunity to take the next step. At the same time, though, there are incredible benefits to dipping your toe into new areas – taking a course in an unrelated topic; reading and keeping across developments in other industries. If you ever do want to make a major change, those taste-testers will help you to settle in quickly.

Katherine Giles

Head of Legal and Operations,
Arts Law Centre of Australia

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Alexandra Britt Barkman

Senior Legal Counsel, Zimmermann

Ashleigh Fehrenbach, co-editor of the CLB and Senior Associate at RPC in the IP and Tech team, sits down with **Alexandra Britt Barkman**, Senior Legal Counsel at Zimmermann, one of Australia's most loved fashion brands, to discuss her career and thoughts on International Women's Day in 2023.

Before joining Zimmermann in 2022, Alexandra held covetable in-house legal roles at both Samsung Australia and Coca-Cola South Pacific. Prior to making the leap to in-house counsel, Alexandra was a solicitor at Addisons Lawyers where she started on her path as an intellectual property and disputes lawyer.

ASHLEIGH FEHRENBACH: Alex, thank you so much for sharing your insights on International Women's Day in 2023. Before we get to all things IWD, could you please share with us your career path and how you came to be at one of the most enviable fashion brands in Australia, Zimmermann?

ALEXANDRA BRITT BARKMAN: I began working in private practice with Addisons as a law clerk, and then as a graduate and junior solicitor in the intellectual property team. While I was working at Addisons, an opportunity came up to work with Coca-Cola's legal team on a secondment. Initially I had every intention of returning to private practice, at least for another few years, but when I was offered a permanent Legal Counsel role at Coke I found I couldn't give up the excitement and enormous variation of work that in-house life involves.

I've always been drawn to creative work, from studying textiles and design in high school, to music and composition (I taught the violin for about 10 years and have far too many dressmaking patterns). I suppose that's why intellectual property law had such a natural appeal to me. I've always felt very strongly about protecting creative work and became particularly interested in anti-counterfeiting when I worked in luxury retail during university. My role at Zimmermann now feels like a wonderful culmination of all those interests and experiences.

ASHLEIGH: As in-house counsel for a well-known brand, what skills do you consider have been the most essential to you on your journey?

ALEXANDRA: Technical legal skills aside, I think the most valuable

skill for me has been relationship building. Although it's of course important to maintain independence as a legal advisor, in my experience the stronger the relationships I can build with my colleagues on the commercial side of the business, the more likely they are to bring legal into the loop early and mitigate legal risks before they materialise. I've found those relationships are an invaluable basis for supporting a solid compliance program and fostering a strong partnership between the legal function and the business.

ASHLEIGH: Can you tell me what a typical day at Zimmermann looks like for you and is there a Miranda Priestly equivalent figure in the office?

ALEXANDRA: I'm afraid there isn't – although arriving at the office can often feel like stepping into a Vogue spread!

It's difficult to describe a typical day, as it can be so varied. My day often starts with a quick huddle with our Brand Enforcement team, to track and plan our IP enforcement and anti-counterfeiting work. It's interesting tackling the changing nature of technologies and platforms used in the counterfeit industry, and constantly brings new challenges as counterfeit seller behaviours change. It's impossible not to take piracy personally when you see first-hand the immense work designers and artists put into each piece. Most days will also involve an eclectic assortment of other matters, from supporting retail and marketing teams with advice and contract work, to privacy, supply chain, WHS and sustainability.



ASHLEIGH: If there is one thing you would celebrate about International Women's Day in either the legal profession or the fashion industry (or both!), specifically, what would it be?

ALEXANDRA: For me, it's an opportunity to reflect on the amazing female role models I've had in my career. As a lawyer it's encouraging to see the change occurring in the legal industry in recent years, as women's representation in senior leadership roles continues to increase. I feel privileged to have worked with several female Partners and General Counsels across my roles, and now for a company helmed by two exceptionally talented women who have really brought Australian fashion to the world stage.

ASHLEIGH: You found an early in your career passion for intellectual property law. What developments do you see on the horizon as being important to intellectual property law for Australian brands? Are there any gaps you've noticed throughout your career that you feel should be closed or given more attention to, in order to provide brands with greater protection?

ALEXANDRA: I think trying to keep pace with the lightning speed of technology will always be front and centre in intellectual property

- I suspect the same is true of most practice areas. This change can mean anything from new methods used by counterfeit sellers, and new methods to tackle them, to entirely new challenges like the application of traditional trade mark law to NFTs (as Hermès, for example, has recently experienced). The pace at which that changes means there will always be gaps to adapt to – which can often make the job seem both much easier, and much harder at the same time!

ASHLEIGH: What do you like best about your work?

ALEXANDRA: I've been very fortunate to work under managers who have supported my particular passion for IP, whilst also encouraging me to gain as much experience as I can in other practice areas. My intellectual property and brand protection work is probably my favourite part of my job, although my work is never just that - from liaising with external counsel on counterfeit raids, to new stores in Spain, there aren't a lot of dull moments. I think one of the great benefits of working in-house, and particularly gaining experience in larger businesses and legal teams, is that you are constantly exposed to a huge variety of different legal matters.

Working directly with clients from within the business is a very different experience from private practice. I enjoy learning about the nuts and bolts of the business like the design process, supply chains, and evolving sustainability considerations for the industry. It's also exciting being surrounded by such beautiful clothes and creative people!

ASHLEIGH: Who are some women in the profession whom you really admire, and why?

ALEXANDRA: At Coca-Cola I was very fortunate to work with Sarah Susak, the General Counsel at the time. She is incredibly sharp and a remarkable lawyer, and also the kindest and most compassionate colleague. She works hard to make sure her team has a supportive working environment, and really invested in my development as a young lawyer to help me find new strengths. During my time at Coke, Sarah's support was a constant reminder to me of the importance of uplifting the people around you (inside and outside the office).

I also couldn't answer that question without including my Mum, Carolyn Britt. It was so special to have her move my admission as a solicitor and she has been a constant source of motivation as my career has developed and throughout my studies. Mum is the person who first sparked my interest in the law, bringing me along to the Law Library when I was a little kid as she was studying for her Masters and patiently explaining what happened in the cases I "helped" her to find. It made for a strange sense of déjà-vu when *Lumley v Gye* turned up again in my own Contracts Law textbook.

ASHLEIGH: What is the best professional advice you have ever received?

ALEXANDRA: It's hard to pinpoint specific advice, but I've certainly had some incredible role models in my career who have taught me a lot by

example and encouraged me to find a way to channel my non-legal interests in my work and career. I feel that being genuine and harnessing those interests in my professional capacity is what has allowed me to derive the most out of my work.

Sarah Susak (mentioned above) has been involved in a huge amount of charity work and is a fierce social justice advocate. She showed me the importance of using your skills to do some good outside of your day job. I have been volunteering with Kingsford Legal Centre at their free community advice nights for the last couple of years. It's not only incredibly rewarding, but it has also helped me to grow as a lawyer through exposure to a range of matters I wouldn't ordinarily deal with day to day.

ASHLEIGH: Alex, thank you so much for your insights. On behalf of all our readers, I'd like to wish you a very happy International Women's Day!

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

Michelle Gunn

Editor-in-chief, The Australian

Michelle Gunn, editor-in-chief of The Australian, began her career as a cadet journalist at The Australian and went on to become editor of the Weekend Australian for eight years, and editor of The Australian from 2020 until her recent appointment as Editor-in-Chief of the masthead. **Marlia Saunders**, Partner at Thomson Geer, chats with Michelle about Michelle's illustrious career, her new role, and what lies ahead for the national masthead.

MARLIA SAUNDERS: Michelle, thanks for speaking with me today. Late last year, you were appointed editor-in-chief of The Australian – how has your transition to the role been and what are you finding different from your role as editor?

MICHELLE GUNN: On one level, there is no job I feel better qualified to do, because I have such an intimate and extensive knowledge of the masthead, its readers and its values. Having been editor, deputy editor, chief of staff and a reporter on the paper, I know all its nooks and crannies. I also had firm ideas about what I thought needed to be done. So overall it has been a very smooth transition. But I also realised pretty quickly that you never really know the rhythms and demands of a job until you are in it. And I have found it challenging to move away from the minute-by-minute operation of the newsroom to take on the more strategic aspects of being editor-in-chief. I am loving that aspect of the job because every new position you take on should require you to acquire new skills. But it did mean that I had to confront the more controlling aspects of my personality, and trust the incredibly talented team I have around me.

MARLIA: You are the first female to be appointed in the role in the 60 years The Australian has been published – what does it mean to you, particularly in circumstances where you have worked at The Australian for most of your career?

MICHELLE: It has been remarked upon quite a bit, particularly in the past few weeks as we approached International Women's Day. I suppose I have mixed feelings about it. On the one hand, I feel great personal and professional satisfaction in having been appointed to the role. I worked incredibly hard to get here. And I can see that it is a positive for young women in

newsrooms around the country. It is hard to aspire to be something which you cannot see.

I have worked for male editors and editors in chief for my entire career and early on was often the only woman or one of only two women in editorial news conference. I didn't feel aggrieved about that, and a number of those men have been incredible mentors to me. I have also been surrounded by incredibly talented female journalists. The media is no longer a male dominated profession, and among its reporting ranks it has not been that way for quite a long time.

The leadership team now at The Australian is full of women. Our two deputy editors, Petra Rees and Georgina Windsor, editorial directors, Edwina McCann and Claire Harvey, magazine editor, Liz Colman, managing editor Louise Bryant, Inquirer editor Jenny Campbell, travel editor Penny Hunter ... the list is long and strong.

I am pleased about that because it does have a positive impact on the culture of the newsroom. But at the end of the day, of course, I will always hire or appoint the best person for a particular job, and that is in the best interests of both men and women.

MARLIA: What are you hoping to achieve in your time as editor-in-chief?

MICHELLE: As the country's national masthead, The Australian has a unique and incredibly important role in national debate. We take that role very seriously and we employ the best journalists to inform our readers not only what is happening on a particular day but to explore the significance of what is happening, whether that be in politics, business, world affairs, sport or arts and culture.



We have been doing this for 60 years, and the critical thing here is trust. Our readers know the guiding values of our paper and trust us to help them navigate the world. They are among the most engaged and thoughtful consumers of news in the country.

My challenge is to grow that audience, particularly on our digital platforms.

MARLIA: You've worked in the media for 30 years. What changes have you seen in that time in terms of the representation of women in the media – both in the newsroom and on the pages of the newspaper?

MICHELLE: The changes have been enormous. In the early days of The Australian we had dedicated women's pages, for example. Imagine that. Underpinning that decision, was an implicit assumption that women would not be interested in the business and world pages. This was, of course, also a reflection of society as a whole. The changes achieved by the various waves of feminism have been profound. And our newsrooms have been both the amplifiers of those changes and the beneficiaries of them.

Within newsrooms, there have always been plenty of young women journalists. In the cadet intakes of 30 years ago, my memory is that there was gender balance. There were also early female editing role models such as Ita Buttrose. However it has taken a long time to see that gender balance reflected among the senior ranks of the profession, and across all corners of it.

I also think it is important to acknowledge that the hours and dedication required to reach senior leadership positions do have an impact on family, and that the impact is a matter for men and women to navigate together. In my case, my husband's preparedness to work part-time for 16 years while our children were young, was a critical part of the equation.

MARLIA: What are your perspectives on the role of lawyers in the media sector, including what you look for in your legal advisers and the services you value most?

MICHELLE: The relationship between editors and lawyers is critical because we rely so heavily on your advice. As editors we are always trying to push the boundaries in terms of what we can publish. And by that I mean that we are always seeking to give our readers the most truthful, unvarnished, and uncensored account possible. As you know, our defamation laws and other laws sometimes make this incredibly difficult.

The very best legal advisers in my experience are those that share that ambition or at least understand the way editors think. They are the

lawyers who will help you to find a way to publish that truth, rather than focus on what is not possible. I find that the best media lawyers have an intense curiosity about news and current affairs. They are frustrated journos really, but with the brain-power, skills, and knowledge of the law to keep us out of trouble.

There is nothing better as a reporter or an editor than being in the trenches on an important story with a legal team you can trust. You talk to Hedley Thomas, Paul Whittaker, Ellen Whinnett, Damon Johnston, they all have war stories in which lawyers play a starring role.

MARLIA: Why do you think it's important to celebrate International Women's Day?

MICHELLE: It's important for a number of reasons. The first relates to the importance I think of taking stock and reflecting on just how far we have come as a society in the past 50 years.

I look at my sons, who are young adults, and the way they view the world, and I see living proof of the benefits of that social change. Gender is not an issue for them, the idea that our parliaments and boardrooms should reflect the diversity of our society is as natural as breathing to them.

So IWD reminds those of us who lived it of just how far we have come, and it serves to educate young men and women about how we got here.

But even more important I think is for IWD to promote debate about the society we wish to build now and into the future. And this is, necessarily, more contested ground.

What is the impact of identity politics on the relationships between young men and women? What further reforms do we need in regard to women and superannuation? Do the extremes of the transgender movement threaten many of the hard-earned gains of feminism? Should universities lower entry standards for women to attract them to male-dominated courses such as engineering? Quotas or targets? When, if ever, will International Women's Day be seen as obsolete?

MARLIA: Michelle, from a frustrated journalist, thank you so much for sharing your insights with us!



Cate Nagy

Partner, King & Wood Mallesons

Emina Besirevic, lawyer, Clayton Utz, sits down with **Cate Nagy**, Partner, King & Wood Mallesons, to discuss Cate's career as an intellectual property lawyer in private practice, as well as Cate's thoughts on International Women's Day.

Cate is a partner in King & Wood Mallesons' Dispute Resolution team, where she specialises in intellectual property law with a particular focus on copyright and trade mark litigation. She is an experienced intellectual property litigator and has acted on various high-profile copyright and trade mark infringement, misleading and deceptive conduct, and domain name, disputes. Cate also advises clients on strategic copyright and brand protection issues, advertising clearances and complaints, and government policy and regulatory issues in the intellectual property field. In addition, Cate is the chief editor of King & Wood Mallesons' intellectual property blog, IP Whiteboard.

EMINA BESIREVIC: Thanks so much for chatting with us Cate! I'd love to ask you about your career. Did you always aspire to be a Partner of a global law firm? If so, what did you do to position yourself to get to where you are? If not, how did your career path lead you here?

CATE NAGY: I am probably one of many who stumbled into law while planning to pursue a career in journalism. I undertook a combined Thai Studies / Law degree at University and spent an amazing year studying law in Bangkok, although at that time becoming a partner of a global law firm was far from my mind. It wasn't until I studied intellectual property law late in my degree that I started to see how I might combine my long-term interest in the arts with a career in law. I'm not sure it would be accurate to say that I have "positioned" myself to be where I am now. I never had a particular aspiration to be a partner of a global law firm, but I did have an aspiration to work in an area of law that I loved, to be challenged and supported and to surround myself with people – both colleagues and clients – whom I like and respect. I've been fortunate that following that path has brought me here, with a few diversions along the way!

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

CATE: Back yourself and don't look too far ahead into the future. We can spend too much time both in our personal and professional lives deliberating on possibilities and worrying about whether we are

making the right decision, rather than just walking the path that feels right at the time and seeing where that takes us. You can generally walk back from it if you find that it's not the right path – and making the decision to do that if it's not working is just as important. I also think you have to look for opportunities to learn from others. For the first fifteen years of my career, I worked for a wonderful partner whom I learned so much from, just watching the way he ran matters, dealt with clients, and marked up my work (in the days of pen and paper)! It's possible to develop your own style and ways of working through observing how others approach and handle an issue, and cherry-picking what works for you.

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

CATE: It didn't feel like a risk at the time, but as a senior associate I took a leave of absence for two and a half years to step back from my legal career and spend more time with my family. In a professional sense it was a risk, but I did it because it felt like the right thing to do at that time. One of the many things that I gained from it was a realisation that I actually really loved (and missed) my work as a lawyer. I spent time during that period working as a member of the Classification Board, watching films and playing computer games for classification purposes. It was a role that had always intrigued me, but the repetitive reality of it taught me what I really missed about law and was what really brought me back to that path: the intellectual challenge



that comes with trying to navigate clients in and out of disputes or steer them toward a particular commercial outcome was something that I really missed.

EMINA: In your view, are there any reforms that you think are desperately needed within the realm of intellectual property law? If so, what are they?

CATE: I think we have been going round in circles for far too long on copyright reform, with repetitive debate on fair use vs fair dealing and inadequate policy engagement on particular areas of copyright law that have failed to keep pace with new technologies (AI and computer-generated works for example). I would like to see some definitive legislative action soon, so that we are not left crafting causes of action or defences to claims from legislation which is not at all intended to fit the particular facts which new technologies present for us.

EMINA: What energises you about work?

CATE: I love the cut and thrust of litigation, as well as the diverse range of lawyers I work with as part of my team. As a junior lawyer faced with a myriad of complex and unfamiliar legal issues, I recall looking forward to one day having so much experience that I would be able to rattle off my legal advice as soon as the client called. What I came to learn is that one legal problem is almost never the same as the next, and it's rare that I am asked to advise twice on precisely the same issue (although that in itself is exciting when it happens!). What I

realised though is that I am energised by the fact that the questions and issues are different nearly every time. A shift in facts, a shift in the client's desired outcome, a shift in the relevant law are all factors that ensure that there is challenge and variety in what we do every day, even twenty-five years in.

In terms of energy, it also helps that IP is an area of practice in which there is plenty of colour and movement (and occasionally humour!). I remember as a junior lawyer working on a passing off / Australian Consumer Law case about baby dolls and accessories. We had an office dedicated to the display of an array of pink and blue dolls and their accessories as we prepared for trial. It was hard not to be bemused about what five years of law school had come to. Since then, I've worked on IP cases about social media platforms, vodka, fashion brands, beer, financial services, shoes, casinos, computer software, online retail and a myriad of other products and services.

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

CATE: I think we have seen enormous change over the twenty-five years that I have practised as a lawyer, although I have been fortunate to spend my career at firm which has always had a strong focus on gender equality, and which has provided enormous support to female lawyers throughout their careers. I also work in an area with strong female representation and am surrounded by female friends who also practise law. I recall my son at age 3 being introduced to a male lawyer friend of ours exclaiming, "Men can't be lawyers, only ladies can be lawyers"! I've still had surreal experiences along the way – the male opposing client in a dispute who, as the only male in the room and surrounded by female partners on both sides, two female senior associates and a female general counsel suggested at the end of a settlement meeting mid-afternoon that the timing was great because we "ladies" still had time to go shopping (it didn't settle!).

For me, the concept of #EmbraceEquity really moves beyond gender. It's not just about women, but it's about embracing a range of perspectives and backgrounds, whether based on gender, ethnicity or sexuality, and promoting equality of opportunity and advancement. For me, at a gender level, I have loved

seeing the shift towards our male lawyers also taking extended parental leave as primary caregivers. When those family responsibilities are shared, we start to level the playing field for men and women alike in the workplace, as well as remove some of the perceptions historically directed towards women at that stage of their career. I have three boys, aged between 7 and 19, and I can see that the workplace for them and their partners will be a very different one to the one that I entered – still with challenges, but with challenges that are shared across gender.

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

CATE: Be brave and back yourself. Surround yourself with people, from all backgrounds, who will support you, and give that support back in spades. I think mentors, formal and informal, play an enormously valuable role in providing a real-life example of how you can make it work, as well as backing you when you are figuring that out for yourself. You don't have to do it the same way as anyone else – you can write your own story.



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Angela Flannery

Partner, Holding Redlich

Lucy Hughes, Senior Legal Counsel, Stan, recently interviewed **Angela Flannery**, Partner, Holding Redlich, to discuss her thoughts on International Women's Day, her professional experiences, and recent developments in the media law landscape. Angela is a partner in Holding Redlich's Technology, Media and Telecommunications group, and has over 20 years' experience as a partner in private practice and in senior Australian Federal Government roles, including as General Counsel and First Assistant Secretary at the Department of Communications and the Arts. Angela has been recognised as one of Global Data Review's "Women in Data 2022" and has been ranked as a leading lawyer in the area of Data in Who's Who Legal for both 2021 and 2022.

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

ANGELA FLANNERY: I believe we all need to take practical steps to contribute to a fairer and more equal world. This includes giving people opportunities they can build on. That in my view is part of embracing equity. Earlier in my career I worked part time as pro bono general counsel for a not for profit that focused on providing funding to microfinance institutions for women, predominantly in India. It was an uplifting experience being a part of that organisation, given what microfinance can achieve in providing an opportunity that makes a real difference in people's lives. I will always recall how happy one of the women we visited in India was. Through a tiny microfinance loan, she ended up with a fleet of rickshaws that operated in her village. That gave her the income to send her children to school. Amazing!

So, the suggestion that I would make is to find the time to contribute through volunteer work that helps others – it is really rewarding and provides an opportunity to play a part in "lending a hand".

LUCY: What recent events in the Australian media law landscape most affect your areas of practice and your clients?

ANGELA: It is certainly a very interesting time to be practising in this area, given the range of reforms that are occurring. If we look back at only the last few months, there have been consultations on potential reform of the anti-siphoning scheme, consultation on a prominence framework that will ensure Australian free-to-air TV content is easy to find on connected devices and consultation by the Treasury on the ACCC's proposals for digital platform specific competition and

consumer protection regulation. And that is before we even consider the Privacy Act review, which is now moving into its next consultation phase, or defamation law reform.

It is unsurprising that, following their win in 2022, the new Australian Government would want to move quickly to introduce a range of reforms and it is great to see that they are doing this. However, it will also be important to consider holistically the impacts of all of these reforms and what the Government is seeking to achieve in the media (or broader content) sector. For example, the Government cannot both champion press freedoms and make reforms to the Privacy Act which will have a chilling effect on the ability of media companies to produce high quality journalism.

LUCY: Are there any law reforms in your areas of practice that you think are desperately needed? If so, what are they?

ANGELA: Reform in both the digital platform sector and in the area of privacy is incredibly important.

My view is that the digital platform sector regulation package the ACCC put forward to the Government in late 2022, which is now the subject of consultation by the Treasury, largely gets the balance right. Global digital platforms provide amazing services. But we need to make sure that those platforms do not act in an anticompetitive manner and also do not behave in a way that creates consumer harm. The best way to achieve that is through ex ante regulation.

It is particularly important that ordinary Australians engaging with large digital platforms have meaningful rights and protections. This includes in the privacy area. The key aim of the Privacy Act review, which is intended to update our law to make it fit for purpose in the digital age, should be to ensure that Australians have a genuine ability to opt out of invasive data collection practices



by digital platforms, while still having the ability to use digital services and products in the manner represented.

LUCY: What energises you about work?

ANGELA: Everything! I really enjoy working with clients and helping them achieve their goals. One aspect that I particularly enjoy is helping clients in advocating for regulatory reform. For example, I had the opportunity to assist in relation to the reform process that led to the introduction of the mandatory news media bargaining code, that is now in Part IVBA of the *Competition and Consumer Act*. When the legislation was passed, I was then fortunate to be able to assist one of my clients to put in place agreements with both Google and Facebook to obtain funding for the use of that publisher's news content. That was incredibly rewarding – knowing how much of a difference the funding has made (and will make) to the ability of that publisher to create high quality news content.

LUCY: How do you unplug from work?

ANGELA: My summer holiday was spent watching a lot of tennis at the Australian Open, so I have to say that is a highlight. It is terrific watching such highly skilled athletes, though very sad this year not to see Australia's Ash Barty in action.

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

ANGELA: That is an easy question to answer! In 2013, I was lucky enough to secure the role of General Counsel at the Department of Communications.

Prior to that appointment, I had been a partner in private practice, specialising in major projects and banking and finance. While I loved it, and really enjoyed working with my clients, I

didn't want to look back in later years and think that I had spent my whole career practising only one type of law. Also, I thought I wasn't challenging myself enough – I wanted to learn new things and develop different skills, which really wasn't happening in private practice.

I remain incredibly grateful not only for being appointed to the role but also to all of my colleagues at the Department who helped me on my very steep learning curve, from learning in detail the complexities of policy and legislative processes, to appearing at Estimates and finding my way around Parliament House. I will always look back at that time as a highlight of my career.

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

ANGELA: Don't take advice from articles like this!

On a more serious note:

Listen to your instincts when you are making decisions. That doesn't mean don't take into account the facts and rely on your gut. But if, when you are making a decision, you think the facts point one way but your instincts are pointing you towards another answer, then that probably means that you are missing information or haven't given the correct weight to different factors – so look at it again.

Don't flog a dead horse. In other words, if something isn't working, it isn't working. So stop doing it in the expectation that somehow things will get better or outcomes will improve. That just won't happen and you need to do something else.

Make sure that you are open to change, in all aspects of your life. I constantly marvel at how quickly not only the law, but life more generally, changes all the time – if you aren't thinking about external change and how you can use that in your own life and career you are missing out on opportunities.

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

ANGELA: Ash Barty, to convince her to return to professional tennis. We were lucky enough to watch Ash when she won the Australian Open in 2022 – she played such an amazing tournament and under so much pressure! Ash is a lovely person, polite to her competitors and gave a lot to tennis. I know that soon she will be a mother, but given Ash retired young, I'm still holding out hope that she will come back to the sport!

Justine Munsie

Partner, Addisons

Justine Munsie, Partner at Addisons, specialises in the media, entertainment and advertising industries. Justine advises on contractual and strategic issues, pre-publication clearances, post-publication complaints, brand development and protection, digital media and regulatory issues, such as investigations involving the ACCC and the ACMA, as well as a range of disputes relevant to those areas, including defamation, copyright and trade marks. Justine spoke with **Anthony Sonego**, lawyer at APRA AMCOS, ahead of International Women's Day.

ANTHONY SONEGO: Hi Justine, thank you for taking the time to speak with us ahead of IWD 2023. What does a typical day look like for you?

JUSTINE MUNSIE: For better or worse, when my alarm goes off, the first thing I do is check my phone. It is both a blessing and a curse that legal advice can be given from under one's doona. It allows me to work out what my day will look like before I get my children ready for school and make my way into the office. After that, there's coffee and the rest is a blur.

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

JUSTINE: COVID confirmed the pre-eminence of streamable TV and other online content as forms of entertainment. Lots of it needs pre-publication review and it all needs to be done yesterday.

ANTHONY: Looking ahead, what developments do you see on the horizon in 2023 for the communications and media legal landscape?

JUSTINE: The introduction of a statutory right to privacy could be mind-blowing and clog the Federal Court lists for the rest of our days.

ANTHONY: Turning from the future to the past, what advice would you give to your younger self?

JUSTINE: Lawyers are surprisingly generous people. Never be afraid to tell one you can't do something or ask them for help.

ANTHONY: How do you unplug from work?

JUSTINE: Ideally, I'd travel but I'm almost as happy watching or reading anything I haven't legalised first.

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

JUSTINE: When I started as a solicitor, the media industry was decidedly blokey. It didn't bother me as such but I was very much aware of often being the only girl in the courtroom or the boardroom.



Things have changed enormously since then and there are now great numbers of hugely talented women at senior levels in all facets of the industry – from CEOs, Commercial Directors, General Counsel, Program EPs, Editors-in-Chief, barristers, and law firm Partners and senior lawyers.

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

JUSTINE: The media does not sleep, but you need to. So admit you need to share the load at home and at work and constantly seek out people and organisations to work with where you can achieve that.

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

JUSTINE: Sergeant Catherine Cawood and her sister Clare from Happy Valley. For the accents alone. And to check in on Our Ryan.

ANTHONY: Thank you so much for time Justine, it was a pleasure speaking with you.

Lauren Pelser

Senior Legal & Business Affairs Manager, Warner Music Australia

Lauren Pelser, Senior Legal & Business Affairs Manager at Warner Music Australia, chats with **Kathy Janevska**, Legal Counsel at Canva, about her career, developments in the entertainment sector and celebrating International Women's Day. Lauren's passion for entertainment has led her on an exciting path including roles at NOVA Entertainment, Chugg Entertainment, Insanity Group in the UK and Future Classic.

KATHY JANEVSKA: Thanks for the opportunity to chat today, Lauren. After starting your career as a paralegal at Warner Music Australia, you've worked at some other really exciting companies in the entertainment industry and have recently made your way back to Warner. Have you always wanted to work in entertainment? If so, what did you do to position yourself to get where you are now?

LAUREN PELSER: Lovely to chat to you and delighted to be part of the issue.

Yes, I've been very fortunate to have worked with some truly incredible teams, artists and people over the years. It has been a lot of hard work, but I still have to pinch myself sometimes.

I actually wanted to be a marine biologist for most of my childhood. I somehow grew out of that and decided that something music-related might be fun.

I've always been captivated by music, and I've made so many great friends and memories around music. My mother always said to me, *"do something you love, and you'll never work a day in your life"*. I was also really grateful that my parents taught me to make my own decisions – they didn't mind what I did as long as I gave it my all each and every day. With that foundation, I was able to figure out exactly what I was passionate about, and what I wanted to do. I love problem solving and always wanted a role where I could use those analytical skills for a purpose that I was deeply passionate about. I strive to always go that step further to ensure I'm delivering my best work.

Once I knew there was a whole team behind an artist (thank goodness as the world does not want to hear me sing!), I really focused on building a career and committing to be a lifelong student.

I thought the best way to do this is to get experience within a variety of companies

so I could have a holistic approach to negotiating deals. When you know what matters most to each party, it saves a lot of time going back and forth. I did this by ensuring that I had diverse experience working across a variety of sectors. Being able to draw on varied experience from different sources, allows you to differentiate yourself and see things that others may not always see.

I also always knew I wanted to spend some time living and working overseas. It happened a little sooner than I expected, and I was fortunate to spend some time in London. Working in another jurisdiction was an incredibly invaluable experience and I was so appreciative of that experience and the ability to develop a global perspective. I worked on everything from putting on a show at the Royal Albert Hall to building a D2C skincare line and developing an online fitness platform. The skills I learnt and contacts I made during that time really serve me to this day.

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

LAUREN: It's very cliché but no two days are the same and that's one thing that I love most about my role – it is very fast paced, and I love having to think fast on my feet, problem solve and tackle new and interesting challenges to find pragmatic and creative solutions.

As I'm usually out most nights either at a concert, catching up with friends, or attending an art show, I like to ensure that my mornings are quite structured so I can best set myself up for the day. I wake up at 5:30am most mornings, go for a walk listen to a podcast and read any key developments within the industry. I'll then put on a playlist and get ready for work.

Once I get to the office, I dive right in. My role is one of the few that sits across the entire company, working directly with all members of our team so being able to effectively manage competing priorities



and responding to last minute matters whilst still staying on top of my day-to-day workflow is paramount.

I will take care of our business-as-usual transactional work as well as working on bespoke projects.

In addition, I work closely with our A&R team on new signings and delivering their projects. I'll also work closely with our marketing team on various campaigns and activations. We have some incredibly creative minds in our team, and I always want to encourage their creativity as I love seeing forward thinking innovative ideas. My key role in this process is finding solutions that meet their objectives whilst mitigating any risks to the business and ensuring we're meeting our overall goals.

I'll also work closely with our executive team on company policy and business strategy.

We have a powerhouse brands and sync team who do an incredible job of placing music in various productions and procuring various brand deals. I'll work closing with them to ensure we're getting the best deal and that we're covered in the (very rare) event something goes wrong.

We also have some incredible JV partners that I'll work with on ensuring that we're finding the best talent and they are being supported in the best way.

Once the workday is done, I'll usually pop off somewhere around the city for an event or catch up with some friends for drinks/dinner.

KATHY: What recent events in the Australian IP or technology law landscape most affect your role?

LAUREN: At its core our business is a creative company with a key focus on intellectual property, so protecting this and the creative output of our artists and team is a key priority for me and something I'm deeply passionate about.

There are a number of key developments impacting the IP and technology law landscape, both in Australia and internationally. We've recently seen the next wave of key technology advancements reach the mainstream via Web3 and AI-generated works. I think we will continue see the technological landscape evolve and the law try to keep up with it, particularly in relation to IP protection as we see greater investment in the space and greater adoption from consumers.

KATHY: Are there any law reforms in the creative sector that you think are desperately needed?

LAUREN: Something that will impact the creative sector, and all sectors more broadly is long-awaited privacy reform. The Australian privacy framework is far behind other jurisdictions.

KATHY: What energises you about work?

LAUREN: I love seeing our artists evolve and touch the lives of so many people in deeply meaningful and impactful ways.

When I'm at a show, I always take a moment to look around and take everything in – for that time period regardless of what everyone was dealing with when they walked in the door, they are all united by the shared experience as an incredible artist shares their passion and heart with the room.

Having worked in touring, management and for labels (both majors and independent), I know how much passion and dedication each person involved in the process puts in and seeing our artists shine as well as the joy on the crowd's faces, you quickly forget the late nights and intense negotiations and are reminding yourself how lucky you are to be a very small part in making it happen. Being able to share the experience with my colleagues makes it even more impactful.

Professionally, I also love that our industry is usually at the forefront of changes. I love that I get to use my analytical skills to tackle new and interesting challenges whilst having an active role in shaping the future of the industry.

KATHY: How do you unplug from work? I wonder if it involves music.

LAUREN: I'm very lucky to have an incredibly supportive partner. We both have roles that can be stressful at times, but we really focus on creating a home filled with love and laughter. No matter what is happening, I know that I always have that to go home to.

Living in central London gave me a newfound appreciation for the incredible natural environment we are so lucky to be surrounded by in Australia. When I'm feeling stressed, I always like to go for a walk or pop to the beach to put things into perspective and reset.

I would be remiss to not mention the important role music plays in me being able to unplug – I'm lucky to have friends who are interested in a wide range of music so we're always sharing new music and playlists. If I need a moment, I'll put on my headphones and get lost for a little bit before jumping back into the world.

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

LAUREN: It's no secret that the entertainment industry has had its challenges with diversity in senior positions. What I would celebrate about International Women's Day in the entertainment industry are all the incredible women I consider my peers and close friends. We're all extremely supportive of each other and I think our generation are going to do some amazing things for the industry. There remains underrepresentation across the industry, so I'd like to see us build on our positions to foster greater diversity across the industry.

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

LAUREN: I have a few pieces of advice:

Be yourself

Be enthusiastic and be creative, there is only one of you so embrace that and be yourself.

You have to put in the work

There are no shortcuts, you need to put in your 10,000 hours and really hone your craft (whatever that may be). Roles are few and far between and it's a highly competitive industry.

Bloom where you're planted

There will be times when you're working on something that you would rather not be working on. However, I've found that you should always embrace what's on your plate and give it your all. It shows that you're a good team player and it may even be useful down the line! I've had a few instances where having done so called "boring" tasks actually helped inform something else I did a few years later.

Speak up

People can't read minds, if you have something to say, speak up. Be comfortable with not always having the best idea in the room – being a team player means working collectively for the common good.

Get out of your comfort zone and stay curious

Don't get complacent and always keep challenging yourself. There are a number of things that I've had to tackle that I've learnt so much about myself and what I'm capable of.

Find your network and nurture those relationships

I've had some very influential people in my career be it managers that were incredible role models to those who provided me with a lot of autonomy so I could spread my wings and fly. I deeply treasure those relationships and will always be grateful for them. I also highly value having close relationships with my peers. Seeing them succeed is extremely rewarding.

Reach out to people you admire and grab a coffee

Most people are really lovely and are always happy to catch up for a coffee – but also go in prepared. Most people are in back-to-back meetings, if you have the opportunity to meet with them, make a lasting impression and build rapport so the relationship continues beyond the initial meeting.

Don't burn bridges

The industry is very small so always keep it professional.

Get involved in learning and development opportunities

Seek these out and get involved where you can. This year I'm part of The Observership Program – an initiative that gives future leaders the opportunity to observe a not-for-profit board and undertake a course provided by the AICD. I'm really looking forward to the experience and meeting the other participants.

Creina Chapman

Deputy Chair and CEO, ACMA

Erin Mifsud, Lawyer for the eSafety Commissioner and CAMLA Young Lawyers Committee Secretary, catches up with **Creina Chapman**, Deputy Chair and CEO of the Australian Communications and Media Authority (**ACMA**), to celebrate International Women's Day. Creina was appointed Deputy Chair of the ACMA in 2018 having previously held a number of senior executive roles in commercial media companies and serving as a senior policy advisor to federal members of parliament.

ERIN MIFSUD: Creina, thank you so much for taking the time to discuss your career and International Women's Day 2023. You have had a great career in media and government. Tell us a bit about your job, what does a typical day look like for you?

CREINA CHAPMAN: Thank you for having me. I am Deputy Chair and CEO of the ACMA, the Australian Communication and Media Authority – so I have a dual role. I am on the Authority which is the decision-making body for the ACMA and I also share some management roles with the Chair who is the Agency Head. As everybody says, there is no such thing as a typical day. For me it is predominantly a combination of lots of reading and meetings. Stakeholder meetings, management meetings, Authority meetings and, as I am the Authority lead in relation to content, sub-committee meetings on content matters – and preparation for all of those meetings. The reality is this job is an enormous amount of reading as there is a vast amount of detail to get across, given we have a very wide remit including: telecommunications, spectrum, online gambling, misinformation, broadcasting and unsolicited communications. A typical day involves a lot of preparation for decision making. I oversee media as well, so I am responsible for clearance of our statements.

ERIN: You joined ACMA nearly five years ago, how did your career path lead you to the ACMA?

CREINA: I first qualified as a lawyer many years ago and then I moved into policy work, part of which related to media and communications – first with government and then in media companies operating across many aspects of communications, including television, radio, print, online and podcasting. My work at these companies was focused on regulatory and communications type roles and then it was a natural progression to come to the regulator. I am sort of "poacher turned gamekeeper" as they call it, from the regulated to the regulator.

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

CREINA: This is a tricky question and I think I have two answers to this. Probably the best advice is to try and make sure that you are really across the detail so

you can't be caught by surprise and can have confidence in your views and in the position that you're putting forward. Try not to sit on the fence, but take a position – don't be too wishy washy. I think that's probably the best advice. The second piece of advice, which might be a little bit more topical because of the debate that's going on at the moment and is sort of work related, is on superannuation. The best advice I was given came from a CFO whom I worked with at Channel Nine. They told me really early on, contribute as much as you can to superannuation, as early as possible. It will give you more financial security so that you have confidence to take risks in your work. I can tell you it was fantastic advice!

And lastly, have confidence, and go with your gut. Having confidence in who you are, go for it and try not to be too timid is also really good advice I'm grateful to have received.

ERIN: That is such a great way to look at super and what a powerful position it can put you in to have confidence in those choices later on! If you could have dinner with any woman – living or passed, real or fictional – whom would she be?

CREINA: This one is actually quite easy. I would love to meet Katherine Graham whose autobiography is one of my favourite books. I think she is an inspiring woman, she broke all the norms her family and society set for her and then ran the Washington Post from 1963 to 1991. She stood up against some of the greatest attacks that journalism and newspapers have ever seen through both the Pentagon Papers and Watergate dramas and then she ended up being a Grand Dame of Washington who was consulted by Presidents. I think she was an amazing woman whom I'd love to just sit down and have a chat with.

ERIN: She was such an influential woman in the industry, so that would be such an interesting conversation. Speaking of women in the industry, who is one woman in the industry whom you really admire, and why?

CREINA: Now this is interesting because I was trying to first think of female leaders in the industry and realised that there are not



enough of them to choose from, which is a statement in itself; but I have come up with two. The first one is Kate McClymont. I just think she's absolutely remarkable. In spite of the threats against her, she has shown so much courage, determination and attention to detail to root out corruption. My other is Anita Jacoby who has had a long history in the media and is an Associate Member on our Authority. She has had an amazing career in journalism and content making; but she is always and has always been one of the first people to be out there supporting other women in the industry. Anita really gets behind everybody and she is a mentor to so many people.

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

CREINA: I think this year, there is increasing focus on matching our legal and regulatory framework with what our community really wants. So much of this now sits around the online environment and safety in that broader sense. Scams are an enormous policy issue and the other area I've been predicting as a big issue for years and has not really come about yet in a policy sense is privacy. Privacy, data and children's privacy. And there will increasingly be a policy focus on tackling misinformation and social platforms. So I would say safety in the broadest sense.

I would also add the Voice to Parliament. It impacts issues from how we handle freedom of speech and how we have a courteous, kind, and respectful debate through the media and on the streets. It will be a big test of our society.

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

CREINA: To me this theme is talking about moving beyond equality to equity, which as we know is a very different concept.

The embrace word is interesting, it doesn't just mean appreciating and understanding that women come from a different starting point, a different background or different circumstances. It's actually a shift to appreciate that different needs must be addressed by either applying different resources to assist women or different opportunities being found. What is interesting about it is that the root of equity is diversity and inclusion. I think as a society we have a long way to go to understand the difference between

equity and equality and where that leads. Diversity and inclusion are important in policy making and in our workplaces.

From our point of view at the ACMA, our graduates have recently done an impressive project on diversity and inclusion. These issues have been within our policies and we are now expanding and building on it. We are also in the middle of a project at the ACMA on measurement of plurality of news. It is about more than just diversity but one

aspect is diversity of voices. We will be looking closer at measurements in relation to gender, racial background, political views etc.

I think in essence we should focus more on diversity and inclusion in our workplace and personal lives.

ERIN: That is so true and very insightful. Thank you so much for your time today Creina, and Happy International Women's Day!

Tasha Smithies

Senior Litigation Counsel, Paramount

Isabella Barrett, Lawyer at Corrs Chambers Westgarth sits down with **Tasha Smithies**, Senior Litigation Counsel at Paramount to discuss International Women's Day. Tasha manages both the prepublication process and litigation matters including injunctions, defamation, copyright, contract and general commercial disputes. She has over 20 years' experience in the media law industry and has previously held roles at Australian Associated Press, Nine and Gilbert + Tobin. In 2020, Tasha was named the Lawyers Weekly Technology, Media & Telecommunications Lawyer of the Year.

ISABELLA BARRETT: Tasha, thanks for agreeing to be interviewed as part of this CLB special edition! Could you tell us, what does a typical day look like for you?

TASHA SMITHIES: There is no typical day for me, each day is different, as are the hours worked given the job is based around the rhythms of TV which is not necessarily a 9-5 office set up. Sometimes that's good, as you can get pockets of time to yourself and sometimes it's a tricky juggle as it can require weekend and evening work. My day consists of clearing content for Paramount on its various platforms - broadcast (10) on demand (10 Play) streaming (P+) and social media, overseeing a training program for our journalists and managing Paramount's litigation.

ISABELLA: 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?

TASHA: I always wanted to be a litigation lawyer as I like the court process and the strategy that sits behind any piece of litigation. However, I kind of fell into media law when I moved from Holman Webb Solicitors to Gilbert + Tobin, which led to a secondment and then a role at Nine, followed by Australian Associated Press and now nine years at Paramount.

ISABELLA: What energises you about work?

TASHA: It's never boring! It is constantly changing from day to day which keeps things interesting and challenging.

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

TASHA: The most obvious one would be the commencement from 1 July 2021 of the changes to defamation laws, in particular the requirement for a serious harm threshold and the single publication rule. I am also keen to see how the public interest defence and modified qualified privilege defences will operate, hopefully with a better understanding by the courts around the concept of reasonableness in the context of a tight timeframes in a busy news room. It will also be interesting to see how the Stage 2 defamation reforms in relation to internet intermediary liability unfold.

A further area of law reform to keep an eye is the Privacy Act Review, in particular the proposed introduction of a statutory tort for serious invasions of privacy (in the form recommended by the ALRC in 2014) as well as a statutory direct cause of action for individuals in the Federal Court, Federal Circuit and Family Court of Australia and the operation of a journalism exemption - acknowledging that this has been tossed around for as long as I have worked in media law...

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

TASHA: This is a little old school and I am showing my age but Jana Wendt. I had the opportunity to meet her when I was younger and I admire her style of interviewing, as she was always firm but fair.



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

TASHA: Most of the time, this looks like being treated equally but occasionally there are circumstances where treating people differently ends up leading to a more equitable workplace - yes... it's complicated! To me equity at its heart is treating people in the workplace and in your personal interactions fairly and treating others as you would like to be treated.

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

TASHA: Don't expect equity if you are not prepared to put in the hard work and be valuable to the organisation where you work. Nothing comes to any of us served on a silver platter and there is no substitute for a positive attitude and a calm demeanour. Most of the time if you work hard, respect people, listen and don't get ahead of yourself, good things will happen. Voicing your opinion on everything all of the time wears people down. Be selective in your criticism - save it for the things that really matter and the times when it will make a difference.

Julie Cheeseman

Partner, Bird & Bird

Julie Cheeseman, Partner at Bird & Bird, specialises in media, technology and privacy disputes and advice, having managed many disputes for media and technology organisations such as defamation, copyright, contempt and suppression order and project implementation matters. **Manan Luthra**, paralegal at Network Ten, chats with Julie about her career, achievements and thoughts on International Women's Day in 2023.

MANAN LUTHRA: Julie, I'm incredibly grateful that we get to chat about the media and technology law industry, and your experiences, in the lead-up to International Women's Day. Thank you so much! The 2023 International Women's Day campaign theme is #EmbraceEquity. What does this mean to you?

JULIE CHEESEMAN: To #EmbraceEquity means to understand and acknowledge that it is through equity, and not equality, that we will achieve true inclusion. Equity recognises that each of us has different circumstances and there is no 'one size fits all approach' to allocating the resources and opportunities needed to attain an equal outcome. Providing equal opportunities is no longer sufficient. Rather, we must seek out opportunities to question and ultimately embrace the challenge of changing existing policies, procedures, services and systems that hinder an individual's ability to succeed.

MANAN: Who is one woman in the industry you really admire?

JULIE: There are so many women in our industry whom I admire. To acknowledge just one of them is an impossible ask! In the legal industry generally, of course there is my sister Elizabeth – whip smart, commercially astute, wickedly funny and incredibly generous – she is not only a great sibling but an inspiring role model in my life inside and outside of law. In the media and communications circles, there are several women whom I consider to be standouts, many of whom I worked with in the early stages of my private practice career. Those women are not only clever and creative lawyers but also successful industry leaders who actively encourage, support and celebrate the achievements of others. They are a special network!

MANAN: What are you reading right now?

JULIE: I am reading *Phosphorescence* by Julia Baird which I'm finding captivating and inspiring in equal measure. I've also just listened to a podcast about 'Blue Mind', which is a theory popularised by Wallace J Nichols that describes the semi-meditative state humans can fall into when we are proximate to water. The next book on my bedside table will actually be Nichols' own book - *Blue Mind: The Surprising Science That Shows How Being Near, In,*

On, Or Under Water Can Make You Happier, Healthier, More Connected, and Better at What You Do. I'm looking forward to diving into it (excuse the pun).

MANAN: Why did you decide to pursue a career in media law?

JULIE: I wanted to pursue a career in law or journalism from a relatively young age. I think I was drawn to those areas because of my love for stories: I love hearing them; reading them; telling them; and writing them. I also love analysing texts and formulating arguments in support of a position. Although I chose to study law (and not journalism) at university, I remained curious about a career in media and pursued paid employment opportunities in both industries while studying. During that time, I was fortunate to secure a paralegal role in a large commercial firm as well as a production/broadcasting role at the Sydney Olympics. Both roles were incredibly rewarding, but my paralegal work on litigation matters (preparing evidence, mastering the documents and facts, and formulating case theory) really clarified my ambition to be a disputes lawyer, with a focus on the media and technology sectors.

MANAN: What is one career (or personal) achievement you're really proud of?

JULIE: I am fiercely proud of my family. I am also proud that my personal values drive my thinking, my behaviour and my decision making. I believe that being intentional about personal values allows us to make better choices for ourselves and have a more positive impact on those around us.

MANAN: In light of innovations like ChatGPT and platforms like TikTok, where do you see the communications and media legal landscape heading in future?

JULIE: There is little doubt our media and communications landscape in Australia will continue to evolve as our law and policy makers attempt to respond to the challenges presented by emerging platforms and technologies. Despite some changes having already been enacted or proposed, for example in the areas of competition, defamation and online safety, key areas of our legal landscape remain outdated and are not sufficiently flexible to regulate increasingly connected and complicated online activities, content generations and



data flows. There does however seem to be a renewed impetus for change following the high-profile cyber incidents in 2022 and a general desire on the part of the electorate for more control, transparency and accountability over their online activity, information and data. Summer is well and truly over for our law makers and regulators: over two consecutive weeks last month, the Government released significant reform and policy proposals concerning Australia's Privacy Act and cyber security strategy. February 2023 also saw our eSafety Commissioner require further work on draft industry safety codes and issue a second round of transparency notices focussed on child protection measures. Looking towards winter, final agreement on the next stage of defamation reform is due by mid-year and data breach class actions are already being actively case managed by the Courts, which means the possibility of interlocutory applications and decisions. Putting that all into the mix, I think the reform and enforcement of Australia's content, privacy and data laws is finally on the fast track and we will see significant developments in these areas, in particular in the next 18-24 months.

MANAN: So it sounds like an incredibly busy time for this space! How do you 'unplug'?

JULIE: Given my responses to your other questions, it will come as no surprise to you that being in the water is my favourite way to 'unplug'. There is something transformative about swimming in a pool, or in the ocean, with just my thoughts (or the odd fish) for company. The pressure of a working day seems to just wash away.

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

JULIE: Don't let a fear of the unknown stop you from taking a chance to find success outside of your comfort zone. Be curious about career opportunities and courageous in your decision making. Acknowledge that fear is a common and healthy response to the unknown, and then take the chance that scares you anyway.

Annabelle Herd

CEO, ARIA and PPCA

Laksha Prasad, Lawyer at Marque Lawyers, chats with **Annabelle Herd**, CEO of the Australian Recording Industry Association (**ARIA**) and the Phonographic Performance Company of Australia (**PPCA**), about Annabelle's career in the media and entertainment industry and her thoughts on International Women's Day. Prior to heading up two key organisations within the Australian music recording industry, Annabelle held a number of senior positions at Network Ten and worked in the policy and government relations sector.

LAKSHA PRASAD: Annabelle, thank you so much for chatting with us. Can we start you're your career? What were your career aspirations as a child? Are they similar to where you are now?

ANNABELLE HERD: From about age 7 to 15 I was determined to be a paediatrician - I liked kids and I thought that working as a doctor for children would be a noble and rewarding pursuit. However, one week of work experience at the Accident and Emergency Department of Canberra Hospital in year 10 quickly put an end to that aspiration. Hospitals were not for me! I think the human interaction and empathy element has stayed with me through my career though. All the roles I've held have involved a lot of stakeholder management and relationship building and being interested in people helps a lot with that.

LAKSHA: What were some unexpected career challenges that you have faced over your career? And how did you handle them?

ANNABELLE: There have been a couple of points in my career where I have felt undervalued (often in favour of men) or faced a crisis of confidence. This can happen quite quickly and for a range of reasons and seems to happen a lot to mid-career and senior women. In these situations, you have to determine whether it is better to fight through or whether you are better off removing yourself from a bad environment. I have done both depending on the circumstances. Finding a good career coach is also super helpful to give you perspective on what's happening and strategies to deal with it.

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

ANNABELLE: Leaving a good and well-paid job without having another job to go to because I knew that it wasn't right anymore. I've done that a couple of times over my career and of course it is very scary; but I think that despite my fears I knew that leaving was the right thing to do. I am lucky that my financial circumstances allowed me to do that, but it is still a big call.

LAKSHA: What do you like to do to unplug from work?

ANNABELLE: I spend a lot of time hanging out with family and I love planning holidays. I am also a big music listener, of course, as music is such an amazing mood changer. I do love TV, mostly funny or uplifting stuff from reality shows like Below Deck (current obsession) to Derry Girls and Ted Lasso. Aussie drama Wakefield from a couple of years ago was wonderful and had some great Aussie tracks in it.

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

ANNABELLE: The recently released National Cultural Policy which has music front and centre and includes the establishment of Music Australia and the Office for Arts and Entertainment Workplaces is potentially a game changer for how music is supported at a government level. If well executed, these organisations will form a focal point for the creation of a proper contemporary music strategy with structured plans for industry and audience growth and global export of our amazing and talented artists.



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

ANNABELLE: To me #EmbraceEquity is about everyone doing their part. Having women at the table is not diversity, we are more than half the population - it is equity. Equality won't happen without both men and women embracing equality particularly in tackling parenting and childcare issues. I get so annoyed every time I see childcare being referred to as a women's issue - it is a parent issue. In terms of implementing: if you are a manager then think about fathers in the workplace the same way you think of mothers. If you are a parent, then ensure your parenting plan is equally reliant on both partners.

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

ANNABELLE: Make sure that you choose a partner that supports your career and is not intimidated by or sensitive about your success. If you want to have children, choose a partner that will be an equal parent in all ways and then make sure you share the mental load with them. If you do have a family or need to support others, your choice of partner will be a key determining factor in whether you will be able to manage a demanding and successful career. Also, take up boxing, it makes you feel physically strong and is definitely a good way to vent some of those big feelings that will inevitably come over your career.

Emily Jackson

Head of Legal Australia and New Zealand
FIFA Women's World Cup Australia and
New Zealand 2023™

Emma Johnsen, Senior Associate at Marque Lawyers, chats with **Emily Jackson**, Head of Legal (Australia and New Zealand) at FIFA Women's World Cup Australia and New Zealand 2023.

Prior to joining Women's World Cup 2023, Emily worked at firms in New Zealand before moving to Westpac in the digital, marketing and sponsorship team. She then spent three years at Cricket Australia before she was headhunted to join Expo 2020 in Dubai, before moving into her current role in 2021.

Ahead of the 2023 FIFA Women's World Cup, Emma and Emily discuss Emily's career, the sporting industry and her thoughts on the success of women's football globally. Emily is a key part of the team working to deliver the Women's World Cup, across Australia and New Zealand in July and August of this year.



EMMA JOHNSEN: What does a typical day look like for you?

EMILY JACKSON: No day is ever the same, which is a great thing as that means I am never bored and you never know how your day will turn out.

In a general day, the common issues that arise are contract negotiations for the tournament, corporate governance issues, engaging with external counsel for advice, potential breach of contract claims, however it is ever-changing and ever-shifting.

It's for this reason I really try to focus on relationship building within the business so that I can communicate the business' priorities effectively.

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

EMILY: When I first started my career in law, my first role was in "Big Law". Big law is often seen as the 'be all and end all' for young lawyers. However, I was presented with an exciting opportunity to move to a smaller entertainment law firm. At that time, I was really unsure if I should leave my then-current role. I spoke to my Dad and he said "is there anyone at your place of work now that you want to be like?" I realised there wasn't anyone whose career I wanted to replicate, and he encouraged me to take that risk, and now, I don't have any regrets about the career path I have taken.

EMMA: How do you unplug from work?

EMILY: This may be a slightly boring answer, but I love to share a bottle of wine with my husband and watch 'The Last of Us' (or whatever TV series we are watching at any moment!). I also really enjoy dance classes. I make a point of putting my phone away as it is really important to have a separation between components of work life and home life. It is really important to spend quality time with your partner, friends, family or whomever is important to you. I also think it is key to balance your activities, as, particularly in a post-COVID world, it is very easy to just stay working at your computer all night.

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

EMILY: I'd have to say, Beyonce as I think she is a fantastic role model. Or Stevie Nicks.

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

EMILY: Women need to be changing the industry in a way that makes it better when you leave it than it was when you entered it. I would say to make sure you do everything you can to bring that lens to your leadership and participation within the industry.

It is easy to think you've made it and worked hard on your own merits; but it is important to remember your own worldview and take into

account how your role impacts other people. Continue to be supportive and encouraging of other women that aren't represented in your workplace. It's important to continue to be conscious of hiring choices and ensuring diversity.

I think it is very important to remember that women (or anyone) shouldn't have to change themselves – they should bring every part of themselves into their roles. Women leaders do have a big responsibility to ensure this.

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

EMILY: Belinda Clarke – she is an amazing woman and complete trailblazer. She quietly worked to break down barriers in a male culture, she is very inspirational. In fact, to add to that, I had an amazing time at Cricket AU and an amazing female GC, Christine Harman, who set up the whole team for success.

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

EMILY: This is an easy one for me! I am really excited that women's sport is gaining traction and starting to be taken seriously in respect of its commercial prospects. There is some very positive growth and the success is such a feel good story. Women's

football in particular is gaining real commercial value. The Australian women's soccer team is one of the most successful in the world.

At women's football games there are now huge and diverse crowds. The Rugby women's world cup in New Zealand gained real grassroots popularity, out of that there are some real heroes emerging.

For so long the story has been *'wouldn't it be great if the women's team would make some real money,'* and it is so exciting to see that now be a reality. The narrative has changed such that women's sport is now a tangible, commercial proposition.

EMMA: Why do you think women's football has become so popular on a global scale?

EMILY: It's important to point out this has not been an overnight success story even if it appears that way. I would say that football is working towards addressing the historical underinvestment in the sport, and

this has been the result of a lot of hard work by a lot of women.

Cricket Australia was very focused on pay equality, to give players the same financial opportunities. Women in sport are now working towards receiving similar economic status, benefits and increased skill and success as men, and you see this happening where that underinvestment is being addressed. For example, FIFA has a dedicated women's football program and are also focused on restructuring commercial programs to reflect the women's game as its own commercial proposition. Large sponsorship deals for women's football are also on the rise. Previously, a sponsorship of women's sport was seen as an 'add-on', however now there is a conscious effort to sponsor women's sport in its own right.

EMMA: Do you think the success of the Women's World Cup will flow into other women's elite sports (if that hasn't happened already)?

EMILY: Yes and no. I say "yes" as when you prove success on a commercial basis, that will always be appealing for other sports because sports are looking to be profitable and to grow the game. If there is a new element of the game that can be popular/sell tickets/grow popularity at a grassroots level, other sports will find this hard to ignore.

Unfortunately, I also say "no", as change does need to start at the top and not all sports will get that level of change because they won't see the same value in the women's game. I do think there needs to be a sea change at leadership level to ensure opportunities don't go to waste.

At a leadership level, they may not wish to invest in women's sports because those in charge don't see as much value, however, hopefully that won't always be the case.

EMMA: Thanks Emily. Great to speak with you. Thank you for your insights, and happy International Women's Day!



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Olga Ganopolsky

General Counsel (Data and Privacy),
Macquarie Group

Clare Giugni, Lawyer at Holding Redlich, sits down with **Olga Ganopolsky**, General Counsel (Data and Privacy) at Macquarie Group. Together, they discuss Olga's career, recent events in the privacy space and her thoughts on the legal profession this International Women's Day.

Olga also serves as the Chair of the Law Council of Australia's Privacy Law Committee and the Co-Chair of the Law Society of NSW's Privacy and Data Law Committee.

CLARE GIUGNI: Olga, you've already had a highly successful career in data protection and privacy law compliance – previously in the privacy intensive space of credit reporting, and now as General Counsel (Data and Privacy) for Macquarie Group. Have you always wanted to work in this space? If so, how did you position yourself to do it? If not, how did your career path land you here?

OLGA GANOPOLSKY: As much as I love my current role, it wasn't an automatic or expected progression of my career.

I came to this role as a result of being interested in privacy and data as a body of law and having had the opportunity to work in sectors that are very data-rich and highly dependent on privacy law.

In my previous role, as a General Counsel at a very large credit reporting bureau and data analytics business, privacy and data protection laws were integral to the business model. This really cemented my expertise in privacy and data protection, not just as a specific body of law but across other disciplines as well. For example, you need to have a strong privacy background to fully understand the interplay between privacy law and corporations law, competition law and contractual issues.

Before that, I worked in private practice and was always interested in highly regulated areas (for example, health and finance), particularly where sources of law emanated from international law obligations. This privacy context and experience in a co-regulatory international environment laid the groundwork for my current role.

A lot of people think that privacy law is just a discrete practice where each matter is a distinct "privacy" matter. But it's a lot more complicated than that and involves an intersection of many different disciplines.

CLARE: As a privacy lawyer, you must be very excited about the long-awaited recent Privacy Act Review report. What are you most pleased about? And were there any disappointments?

OLGA: Yes, I am very excited about the Privacy Act reforms. Economically, Australia is a good early adopter of technology and a sophisticated western democracy. So, having a sophisticated, economy-wide privacy regime that complements adjacent areas (such as competition law) is something that, as lawyers, we can all get behind.

The Attorney General Department's Report is very thorough. Not everyone will agree with all 116 proposals, but the Report meticulously references the inputs from every stage of the review and lays the groundwork for a transparent discussion about which proposals emanated from what field. It essentially provides a "menu" of the various proposals that we can now work through.

From that perspective, the Attorney General's Department is to be commended for the thoroughness of its Report.

On balance, the proposals are well-considered. For example, the recommendation to further refine the definition of personal information – a linguistic change that may seem trivial to some – makes for a more streamlined body of law. Particularly



in co-regulatory bodies of law where the distinction between "relates to" and "about" has caused unnecessary friction.

I think the proposal on "fair and reasonable" collection, use and disclosure of personal information is far-reaching and, if implemented well, could deliver substantial benefits to consumers. It will require more clarity and guidance so that organisations can address their respective approaches and systems. I appreciate that will come as the community engages with what will be economy-wide reforms.

I personally would have liked to have seen the Report take the opportunity to remove or expressly qualify some of the more unusual exemptions that have no counterparts in other regimes, such as the GDPR (for example, the small business and employee records exemptions). While I appreciate that the Report is looking at these issues and inviting further feedback, I was hoping we would be closer to a more detailed proposal. Similarly, with the issue of adequacy of Australia's privacy regime. I appreciate that this is a much bigger issue of Government policy and administrative processes. I was hoping for a slightly more committed approach to recommending specific proposals to help get us there.

CLARE: Outside privacy law, what recent events in the Australian media law landscape most affect your role at Macquarie Group?

OLGA: The reforms to the security of critical infrastructure legislation and the Digital Platforms Inquiry are two significant recent issues for my role. While not specific to the media law landscape, these both affect media and communications companies as well.

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

OLGA: Be your authentic self.

Often in our work we deal with technical and factual matters, which are cerebral and leave little room for debate. But other times our work involves matters of judgement where we have an opportunity for a healthy debate of approach and opinion.

In those cases, it's very easy to think "what would X do?". Instead, we should try to "be ourselves" and listen more to our own conscience and experience.

CLARE: What energises you about work?

OLGA: The variety – no two matters are the same. Even matters that focus on the same legal principle or provision are always different because there is a different context and factual scenario.

CLARE: This International Women's Day, what's one thing you're celebrating about the legal profession?

OLGA: I think recently the profession has really embraced diversity, equity and inclusion – at least as an aspiration, even if we're not always there yet.

I think the profession is generally (despite some debates about the constitutional consequences) in favour of the Indigenous Voice to Parliament and reconciliation. There is quite a strong social justice tone within the profession, irrespective of whether you're in corporate law or an area more adjacent to social justice.

There's also now a strong presence of professional women, specifically senior professional women, which is to be celebrated. It wasn't always the case!

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

OLGA: The first person who came to mind was Ruth Bader Ginsburg. Since her passing, she has been so immortalised in plays and books that there really are two RBGs: the real woman and the more fictional mythological character – she meets both criteria!

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

OLGA: It's time for us to be more inclusive. The legal profession has a real role to play in recognition and the Indigenous Voice to Parliament, as well as in all the policy and legal issues that are thrown our way. We should be grateful for this role, and we should lean into it by bringing our own authentic voice to each discussion.

It's not a matter of just "embracing" equity mechanically, we need to interact and engage with the issues beyond flag-bearing and truisms, even if this means offering constructive criticism or room for improvement. This is part of "being yourself" at work.

The personal and the professional are very connected. When you bring your heart to matters of equity and equality, you can also apply the very privileged training that we have as lawyers, which we often take for granted when we're busy in our day-to-day practices. The opportunity to combine the two is not at the expense of personal or professional satisfaction – you are personally enriched by the contribution you make and you are professionally enriched because you are learning and contributing. To be a professional is also to be part of civil society.

Anna Johnston

Founder and Principal of Salinger Privacy

Anna Johnston is the founder and principal of Salinger Privacy and is one of Australia's most respected experts in privacy law and practice. Anna was previously the Deputy Privacy Commissioner for NSW and brings both a regulator's perspective to privacy law, as well as that of a private practitioner who has of wealth of experience dealing with clients' privacy and data governance challenges. In 2022, Anna was honoured for her 'exceptional leadership, knowledge and creativity in privacy' with the IAPP Vanguard Award, one of five privacy professionals recognised globally whose pioneering work is helping to shape the future of privacy and data protection. Anna talks with **Katie Walker**, paralegal at Kennedys and legal intern at Network Ten, about her career, privacy law reform, and what she's thinking about this International Women's Day.

KATIE WALKER: What does a typical day look like for you?

ANNA JOHNSTON: We provide privacy advice to clients from ASX top 20 companies to start-ups, non-profits and public sector agencies. One of our particular strengths is being able to translate privacy law for new audiences and develop pragmatic solutions for our clients. On any given day I might be reviewing a new technology for its privacy impacts, helping design a framework for making decisions about ethical data use, customising some 'Privacy by Design' training for a product development team, or developing guidance and tools to help a start-up implement their privacy obligations in a meaningful way.

I adore working in the field of privacy because it is a human rights field, but also because the pace of technological change means that there is always something new to learn about. I love the challenge of turning my mind to what the implications might be of each new development.

A lot of our work now is focused on advising clients who are developing products or services which utilise data analytics, machine learning and automated decision-making techniques. There are so many privacy challenges with these technologies, from the manner in which a dataset is compiled in the first place to evaluating potential downstream privacy harms like discriminatory outcomes.

But no matter what kinds of projects we are looking at with a client, the

basic questions are the same: can and should we collect this data, can and should we use it for this purpose, to whom can we disclose it and how do we keep it safe?

KATIE: 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: Privacy law was not taught as a subject when I was in law school, so no, thirty years ago I could not have dreamed that this job even existed!

I was working as in-house counsel for a government department in the 1990s when a new privacy law for NSW was being drafted. I was involved in reviewing the Cabinet papers and draft legislation, and then once that Bill became law, I was responsible for assisting local councils across NSW prepare for its commencement. For a few years I sat on an advisory committee to assist the Privacy Commissioner's Office, and then later I made the leap to becoming a privacy regulator. I was appointed the Deputy Privacy Commissioner for NSW in 2001.

I was hooked on privacy as the lens through which to think about technology, ethics and the law from that day on. That was so long ago now, before September 11 and the explosion in government surveillance capabilities that that precipitated, and before social media, smartphones, AI, the Internet of Things, and all the privacy challenges that have come with those technological developments.



After I left that regulator role, I wanted to keep working in the field but there were no obvious roles to suit me, so I created my own job – I founded Salinger Privacy as a specialist consulting and training firm. Since then, privacy has evolved from a tiny niche area to become one of the key business and regulatory challenges of this era.

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

ANNA: Yes! The focus of privacy law needs to shift away from expecting individual consumers or citizens to look after their own privacy, and towards greater obligations on organisations to proactively prevent privacy harms.

The Australian *Privacy Act* is currently being reviewed, with something like 116 proposals on the table. This is an historic opportunity for the Australian Parliament to make our privacy laws fit for purpose in the digital economy.

We know that, particularly online, individuals can be singled out for profiling and targeting, even if their identity is not known. And if an

individual can be singled out from the crowd and contacted, messaged, located or targeted in some way, then privacy harms like discrimination, stalking, market exclusion, manipulation or misinformation can be done to them.

So being ‘not identifiable’ is no longer a suitable proxy for ‘not suffering privacy harm’. Yet our privacy laws are drafted as if the *identifiability* of a human is still an appropriate threshold, beyond which the law will not apply.

Too much intrusive online tracking, surveillance and targeting is currently escaping regulatory scrutiny. The companies responsible often say “oh but it’s not personal information because we don’t know the real identity of these people we’re targeting, so we don’t need to comply with the privacy laws”. This online surveillance has significant effects not only on privacy but social cohesion and the maintenance of public trust in our democratic institutions.

It shouldn’t matter whether or not someone’s ‘identity’ is known or knowable in a legal sense; if privacy harms can be done to that individual, then privacy protections should apply.

So, the one thing that I am super passionate about is recognising and fixing this problem within the legislation. If I had a magic wand and could fix one thing about privacy law, I would make sure that the threshold definition of ‘personal information’ or ‘personal data’, in privacy laws around the world, incorporated not only individuals who are identifiable, but also who can be singled out to a degree that facilitates their tracking, profiling or targeting.

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

ANNA: In my field we hear a lot about designing ‘ethical’ or ‘fair’ technology, but too often that is treated as if all you need to be ethical is to be transparent and not actively discriminate.

To me, embracing equity means delving deeper into understanding how things are, how they should be, and what is needed to get us there. It’s about aiming for something better than just ‘fairness’ in the design of technologies, systems, laws and institutions – instead it’s about actively seeking to achieve public benefit outcomes, promoting diversity and inclusion.

I believe it is important for critical thinkers to ask, of any technology, system, law or institution: Is this really serving us? Who will use this, and who will be affected by it? Who benefits from it? Who designed it? Whose experience was included, and whose was excluded? And how should we craft the rules around it, to make sure that it is fit for purpose: responsive to the needs of all affected individuals, accessible and accountable to the community?

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

ANNA: Jane Austen would be brilliant company, don’t you think? Imagine her skewering of insta-influencers.

KATIE: How do you unplug from work?

ANNA: Swimming is my go-to activity to unwind.

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

ANNA: Lawyers and advisers need to stay abreast of the legislative landscape as well as emerging technologies and shifts in community attitudes. Being a good advisor means understanding not just the law, but how to help clients integrate legal and ethical principles into their business.

Read widely, engage with others, learn from experts across multiple fields, listen – and then back yourself.

Kiah Officer

Executive Counsel, Nine

Kristi Hewetson, Associate in Baker McKenzie's IP/Tech team and CAMLA Young Lawyers Committee Member, sits down with **Kiah Officer**, Executive Counsel at Nine, to discuss her career and thoughts on International Women's Day. Kiah is a highly experienced media lawyer and litigator and is recognised as a Leading In-House Intellectual Property & TMT Lawyer by Doyle's Guide for 2022. Kiah is also a Trustee of the Fairfax Foundation.

KRISTI HEWETSON: Kiah – thanks so much for chatting to us about your career. What does a typical day look like for you?

KIAH OFFICER: There are no typical days in this job! My job is very diverse and involves dealing with a wide range of issues from lots of different parts of the company. It can be a very reactive job in the sense that we can't necessarily predict what might be happening day to day. I mainly work in litigation and the editorial side of the business, so our days are largely dictated by what's going on in the business.

Generally, in a typical day I will work closely with a mix of journalists, producers, genre heads and our executives to help them solve whatever the problems of the day might be. My day is often very busy as I work across television, digital publications, and radio. We are involved in decisions about what news and stories the journalists want to pursue, and how we can or might want to cover it. We also have quite a lot of litigation at any one time which we work on, so I might be looking at that as a whole and planning our strategy, attending a mediation, or managing matters in Court while answering questions for journalists who are out on the road. We also do policy and regulatory work to ensure Nine is complying with its regulatory obligations and has a voice on matters that affect our industry. I might be working on issues involving a big 60 Minutes investigation, a new drama series, MAFS, or preparing submissions for the regulator or working with other media outlets to pursue an issue of law reform.

A lot of the work is problem solving, and involves anticipating, preventing and putting out fires, and that's one of the reasons why my job is so exciting. There can be a real

mix from macro to micro work on any given day, and a wide variety of areas of law that we might be advising upon.

The editorial work is not a 9 to 5 nor Monday to Friday job, nor is media generally, so there has always been a large element of working from home, but the technology we have now makes it much easier. We have a really flexible work policy at Nine which has been amazing. I have young children, so this has been particularly helpful. Personally, I enjoy being in the office because I think one of the things that you miss when working from home is the energy and communication. Working in a newsroom can be energising, dynamic, and frenetic and I think our whole team gets a lot of energy from working from the office.

KRISTI: Did you always see yourself working in-house in the media industry? If not, how did your career path lead you here, and how did you position yourself for this role?

KIAH: I didn't always see myself working in-house. When I was in university, I didn't have a good understanding that there were in-house media roles like this. Early in my career I worked at Blake Dawson (now Ashurst) with a couple of amazing partners who had interesting media practices. I began working primarily in media litigation which made me really interested in the industry. I also went on a secondment to News Corp where I was thrown in the deep end, doing hands on in-house work, which I loved. These experiences led to me being offered the opportunity to work at Nine.

When I first started at Nine in 2006 it was a very different company in many ways to what it has evolved into now. I started working in the television business, and when ACP Magazines and Ticketek were part of the group, I worked across the group on both disputes and editorial work. The digital



side of the business wasn't integrated in the way it is now. Nine is now publicly listed, and operates on a much larger scale including television, radio, newspapers, digital and Stan. The opportunity to work across different platforms at Nine as the media landscape evolved and reformed has meant there have always been new challenges and opportunities.

KRISTI: What energises you about work?

KIAH: One of the things that I have loved about working at Nine is working with people who are the best at what they do in their field. All across the business, everyone is incredibly passionate about what they do and incredibly skilled. Being able to learn from them and work with them is so rewarding. I've been lucky to work with some of the best journalists, content creators and producers, and on some of the biggest programs in the country. I love that I get to work across all our genres from news and current affairs, to drama, documentaries and reality, and across a whole range of platforms, each with their own unique strengths and challenges.

I also enjoy being able to help journalists tell important stories by helping them overcome what can seem like a land mine system of regulations and legislation. I find this really energising, particularly when we manage to help get an important story out, and it really lands with impact and resonance. I think that's why we all turn up every day.

KRISTI: Speaking of a land mine system of regulation and legislation, are there any law reforms in media and entertainment law that you think are desperately needed?

KIAH: It is my personal view that the system of media law that we have is unnecessarily complex. I have a real concern that the ability of journalists and the public to access information and proceedings of our courts and government is becoming more restricted and convoluted. Journalists play a vital role in keeping our justice system open and transparent. No matter how many open justice inquiries we have, we seem to end up with more restrictions rather than fewer, and no better access to documents and information.

In the defamation field, it's an incredibly onerous and expensive time to be a media defendant and we've seen the costs, risks and complexity of defending cases increase dramatically despite all these law reforms, which I do believe has a real and detrimental impact upon important public interest journalism. The mishmash of statutory restrictions vary in each jurisdiction and are often buried in legislation, and can be difficult even for professional journalists with access to specialist media lawyers to understand, much less small or independent content creators or members of the public.

At a very high level, there is a lack of recognition of the value of important public interest journalism, whether it be by way of shield laws, contempt or defamation laws, and journalists are routinely exposed to the risk of criminal penalties for simply doing their jobs. People were, quite rightly, outraged when journalists were raided by the AFP, but I wonder if most people in Australia realise that in Australia today, professional journalists can be hauled before secret hearings and threatened with jail if they refuse to disclose a confidential source, to whom they have a professional and ethical obligation of confidence, and the whole thing can be kept secret. I think reform should begin with recognising the value of protecting public interest journalism and free speech, and it should funnel down from there.

KRISTI: How do you unplug from work? Does unwinding change for you whether you're working from home, or from the office?

KIAH: Media can be a very high stimulation environment. There is a lot of information and energy coming at you all day. Switching off from this can be a real problem for people working in that environment, including both lawyers and journalists. To switch off

I find swapping screens for trees and the ocean can help. I find cooking really calming, and spending time with my children and family helps me keep a healthy perspective. I've recently taken up meditation as a way to keep balance as well.

One of the great things, but also the difficulty, with media is that it is constant so we all have to be a bit better about managing our time and boundaries. For anyone in this field, whether we work from home or in the office, it is a challenge and something we all need to improve at. I think we're all much more conscious of the toll it takes on everyone's wellbeing and we are much better at addressing it now than before. The important thing, particularly for young lawyers in this field, is knowing that it's okay to have quiet times.

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

KIAH: At a high level, one of the best pieces of work-related advice that I have received, particularly for people who are very passionate about what they do, is always remembering that what you do is not who you are and that it does not define you.

At a more practical level, the best work-related advice I've ever received is to draft every letter like it might be read out in open court. A very wise senior lawyer drilled into me at the start of my career the importance of professional etiquette in litigation. When they go low, you go high. This has proven to be a very valuable piece of advice and has served me well on many occasions, when my letters have been read out in court! We are often in receipt of unnecessarily aggressive or overwrought correspondence and I think it's a skill to develop to be able to temper some of those responses and to remain professional. I always try to remember that we are all doing a job and serving the courts.

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

KIAH: To me, the #EmbraceEquity theme means giving people what they need to succeed. It has so many diverse applications, but the one aspect that's interesting to me is looking at the "motherhood penalty" and the way

we encourage and support women who have children, step out of the workforce, and come back to the workforce to continue their career journey. It is important to look into how the motherhood penalty affects women financially but also in terms of opportunities, confidence, influence and credibility. I think it's great we've started to have those conversations, but after speaking to both women and men in the workplace I know there are still some real challenges around how we address those issues.

You can feel very vulnerable stepping away, even for a short time, from a career you've worked hard at, as well as when you return from parental leave. Flexibility is great, but we also need to look at how we address equality and equity in respect of opportunities and financial issues. Really amazing women end up finding it too hard trying to balance the demands of work and children and we lose them from the workforce or we miss out on the benefit of having them in roles where they can have the most impact. This isn't uniquely a women problem, but it is a real issue that affects the whole community.

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

KIAH: One woman whom I would love to have dinner with is the author Margaret Atwood. An English teacher in high school gave me a Margaret Atwood book and it started my lifelong obsession with her writing. Over the next 10 years I hunted down and read everything she had ever written. One of the most interesting things about her fiction is that it feels fresh even though it's so of its time, in particular how her work addresses issues of gender and women's roles in the workplace, in life, in marriage, and in partnerships, the way women relate to each other, and gender politics. The mark of someone who is a brilliant author and also a brilliant thinker is that it still feels so relevant today. Even in her early work, she was raising issues about the environment and ethics in science which are all issues we're still grappling with. I have come back to her work at different times in my life and always taken something new from it. Issues about women's identity are fascinating and I would love to discuss them with Margaret.

KRISTI: Thanks Kiah! Happy International Women's Day!

Larina Alick

Executive Counsel, Nine

Imogen Loxton, Senior Associate at Ashurst, sits down with **Larina Alick**, Executive Counsel at Nine, to discuss her career, her best advice and her thoughts on the year to come. Larina provides legal advice for the newspapers *The Sydney Morning Herald*, *The Age* and *The Australian Financial Review*, amongst other news outlets both in print and online, and also provides advice on radio and television.

IMOGEN LOXTON: Thanks Larina for agreeing to this interview. We'll dive straight in - what would you say a "typical" day looks like for you?

LARINA ALICK: This is going to sound chaotic. Because it is. But I truly don't have a typical day. I just looked at my diary for last week and it was Monday: appear in a Supreme Court murder trial to oppose a suppression order. Tuesday: go into the office and provide a training seminar for our journalists. Wednesday: work from home and try to have a quiet morning, because I will be the lawyer on duty receiving non-stop emails and phone calls seeking pre-publication advice on draft articles from 3pm until 10pm. Thursday: judgment is handed down in one of our defamation cases so I need to read the 160-page judgment, confer with our external lawyers, explain the judgment to the editorial and executive teams and answer everyone's questions, provide financial projections for the accounts team, and draft a public statement with the PR team. Friday: prepare submissions on press freedom for lobbying the federal government, while also being on duty for pre-publication advice.

And that's a fairly typical week.

IMOGEN: I think you have to have one of the most interesting jobs in the Australian media landscape - did you always want this type of job? How did you get here?

LARINA: I have had an interest in media law since I was at university. I did combined Arts/Law degrees and my Arts major was Media Studies. But I don't think that was my ticket into this career. The greatest benefit of doing that Arts degree was that it balanced out the intense and dry nature of studying law.

I got my 'break' into media law when I moved to London and found a job in a boutique law firm working in music copyright. Later that got my foot in the door at a defamation and privacy practice in the West End. My role there was to protect the reputations and private lives of remarkable clients including musicians, actors, footballers, politicians and members of the royal family. Working on privacy super-injunctions was always exciting, with high stakes and urgent deadlines. But working against the media - stopping the news from being published to the public - never quite sat right with me.

When I moved back to Australia, I was thrilled to get an in-house role with News Corp Australia. I was much happier working for the media instead of against it. And knowing the tricks of the trade from the other side was often useful. A few years later in 2017, Fairfax Media's in-house lawyer was retiring and looking for his replacement. He tapped me on the shoulder. I have been with Fairfax Media ever since, going through its merger with Nine and becoming part of this expansive media empire.

IMOGEN: You often hear the phrase "no risk, no reward". What do you think the greatest professional risk you've ever taken has been? Did it pay off?

LARINA: Moving from private practice to in-house was the biggest risk I have taken. It did not feel like a risk at the time. I was so excited to join a media company, I was only looking forward. But now, looking back, I can see the work I put into climbing the ladder in private practice for the previous 13 years. From graduate solicitor to senior associate to special counsel. I had worked so hard towards partnership. My god, the billable hours I put in!



The all-nighters, the weekends, the business trips, the awkward networking events, the never-taken holidays. I walked away from all of that, without a single glance over my shoulder. I am lucky it worked out otherwise I would be feeling pretty stupid right about now.

IMOGEN: I'm always interested to hear the answer to this one - what is the best work-related advice you've ever been given?

LARINA: "Nobody on their deathbed has ever said, 'I wish I had spent more time at the office'."

I used to scoff at the phrase "work-life balance", as though that simply does not apply to lawyers. I proudly called myself a workaholic. I can't even tell you how much of my self-worth was based on my productivity.

But I have come to realise how toxic that is. I have a better perspective on it now. Becoming a parent was a big part of that. Going through the Covid pandemic was also part of it. But I have also seen a shift in our legal profession and in society more broadly. The 'Great Resignation' and 'Quiet Quitting' (which is more accurately called work-to-rule) are indicative of that shift. Phrases like "I am more than just my job" and "stop

killing yourself for a job that would replace you within a week” really resonate.

Am I great at setting boundaries with my work and holding those boundaries? No. Do I refuse to work on weekends? Of course not. I am still the kind of idiot who takes a work call on a ski slope. But I am now aware that I have a choice. It does not make me a bad person if I choose something for my personal life over my work. And when I do choose work, I am making a conscious decision because I like the people I am helping, and I like the work that we do... but I am still trying to get better at that boundaries thing, I swear.

IMOGEN: For not being very far into 2023, we’ve already seen the government make a lot of announcements relating to the media law space. What developments are you looking forward to?

LARINA: We are still in Stage 2 of defamation law reform. I am optimistic that the proposed changes will strike the right balance between personal reputation and freedom of speech.

But it can be difficult to predict how the draft legislation will be applied by the judiciary. We saw the Defamation Act’s cap on damages – which had been consistently applied for more than a decade since the Act was passed in 2005 – take a surprising turn during Rebel Wilson’s case in 2017. That had to be remedied in the Stage 1 reforms. I also anxiously await some judgments applying the Public Interest Defence that was introduced in Stage 1.

IMOGEN: And what reforms are you most concerned about?

LARINA: I am most concerned about the proposed tort of invasion of privacy.

On 16 February 2023, the federal Attorney-General published the Privacy Act Review Report. The report recommended the introduction of a statutory tort for serious invasions of privacy. The report noted the shortfalls in the *Privacy Act 1988* (Cth) such as a

stranger peering into a bathroom stall, a private conversation being secretly recorded, and an employee gaining access to personal information and misusing it for blackmail or Family Court proceedings.

Are these invasions of privacy happening a lot? Are lots of victims of Peeping Toms crying out for a damages remedy, apparently unaware they can call the police? Are many victims of secret recordings desperate for financial compensation, apparently unaware there are State laws against surveillance? Are there heaps of employees running amok by blackmailing customers or using personal information in their child custody battles, apparently willing to be fired, go to jail for a crime or, far worse, provoke the ire of a Family Court Judge?

Let me pose the more relevant question: can any of those victims afford privacy litigation?

Because I know who *can* afford privacy litigation. I know because I acted for them in privacy litigation in the UK for years: rich people; famous people; powerful people.

And I know how the tort of privacy will be used in practice. It won’t be for litigating a damages claim after an invasion of privacy has occurred. It will be for injunctions against news media organisations *before* publication of a news article. Lots and lots of injunctions. Injunctions that are sought on an urgent basis. Injunctions that are sought *ex parte*. Injunctions that are decided on the facts of each case. Injunctions that are granted by a duty judge on a Tuesday evening, faced with a distressed applicant who says they just want to maintain the *status quo*, versus a newspaper making a nebulous argument about the “public interest”. Injunctions that, frankly, will be a doddle to obtain.

The threat to press freedom and public interest journalism could not be clearer. Each newsroom will have a filing cabinet of stories that they cannot run, of documents and interviews that will never see the light of day. And journalists will have to sit on their hands and watch the

rich, the famous and the powerful maintain a public persona that is a bald-faced lie.

IMOGEN: Thanks again Larina for your time. Just one more question! We’ve heard about the best advice you’ve received – what advice would you give to the next generation of women in this industry?

LARINA: Sexism and misogyny do not present themselves as great big events waving big red flags. They are small but repeated incidents. They are underlying ideas. They are systemic. You have to fight them on that basis by pushing back on the little things and questioning what lies beneath them, both in other people’s heads and in your own. And above all, carry yourself with the confidence of a mediocre white man.

Gina McWilliams

Senior Legal Counsel, News Corp Australia

Gina McWilliams, Senior Legal Counsel, News Corp Australia, answers some questions from **Josephine Booth**, Lawyer, Thomson Geer, for International Women's Day in 2023. Gina's fascinating career has seen her accumulate over 15 years of experience at News Corp Australia, one of Australia's largest media organisations, as well as a Master of Laws from UNSW.

JOSEPHINE BOOTH: What does a typical day look like for you?

GINA McWILLIAMS: My days start with making breakfasts and school lunches before squeezing in a walk with the dog or a KX class. I usually start work between 9:30am and 10:00am at which point there is no "typical", because the balance of the day will turn on the work I am focused on at the time. The common features will usually be a pre-publication clearance shift of anywhere between one and a half to four and a half hours; a variety of other advice given to clients who come directly to me or in relation to longer content that requires extra attention; attending to our ongoing recording of non-publication and suppression orders made around Australia; complaints handling; time spent on whatever area of law reform is being examined that week (at the moment, the Federal Attorney General's Privacy Act and Secrecy Provisions Reviews are occupying most of my time); and, conferring with my colleagues about my matters or matters they are handling. At some point the husband or I will play Uber-driver for the extracurricular activities of our offspring before throwing some dinner together. The cooking may or may not be done with a laptop on the kitchen bench so I can stir and clear copy at the same time.

JOSEPHINE: Did you always want your job with News Corp Australia? If so, what did you do to position yourself to get it?

GINA: Once I knew it existed, of course! But I won't lie: I got to this position due to a combination of dumb luck and good timing. As a much younger person, my TEE score wasn't good enough to go straight into law after high school, so I completed an Arts degree and

then took a gap year to live in New York before applying to do an LLB at the University of Western Australia as a mature age student. I was able to do an accelerated three-year degree while also working as an administrative assistant. What I didn't do was any of the clerkships that would have enticed the firms to hire me as an articulated clerk and, in fact, I didn't get a single employment offer after graduating. At the time, the WA Law Society would take resumes from graduates who were looking for work and provide them to firms looking to hire on request. After submitting my resume, I got a call from what was then the only boutique media law firm in Perth (the now defunct Edwards Wallace) who were kind enough to take me on. Nationwide News, which owned Perth's The Sunday Times newspaper at the time, was one of EdWal's media clients and gave me my first experience of working for News. In 2004, as the now husband and I were planning our move east, an in-house role came up at Nationwide. A very kind colleague of mine who had no interest in moving to Sydney recommended me for the job and the rest is history. I did shore up my position once I got to Sydney by completing a Master's degree in media law at the University of NSW.

JOSEPHINE: What recent events in the Australian media law landscape most affect News Corp Australia and your role?

GINA: In my area of practice, hands down the 2021 amendments to the Defamation Act. Whether the current Privacy Act review takes over that mantle in the future remains to be seen.

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



GINA: The Northern Territory and Western Australia really need to pull their socks up and pass the 2021 reforms to their respective Defamation Acts. As long as those two jurisdictions lag behind, we are at risk of plaintiffs engaging in the forum shopping the passing of the uniform laws in 2005 was intended to eradicate. You may also need to ask me this question again after we see the drafting for the Stage 2 reforms but in the interim I'll try to stay hopeful. I would love the Federal Court to wind back the 2022 amendment to rule 2.32(2) which restrains access to documents that non-parties were previously able to have access to before the first directions hearing or hearing as a matter of course but that would be wishful thinking. Queensland aside, courts in the other Australian jurisdictions also need to engage in some much-needed reform to make their documents more accessible to journalists in the interests of open justice.

But the two reforms that are the most overdue are the repeal of *Criminal Law (Sexual Offences) Act 1978* (Qld) section 7 and *Sexual Offences (Evidence and Procedure) Act 1983* (NT) section 7. For the happily uninitiated, these are the only two

remaining provisions in Australia that prohibit the identification of the accused in a sexual offence case before he or she is committed to stand trial. Both laws are based on the antiquated premise that sexual offence complainants cannot be trusted to be telling the truth until the court tests the evidence. No other criminal offence anywhere in Australia is subject to a publication restraint of this kind and the fact that these two remain on the statute books should be a source of embarrassment. Queensland is in the throes of repealing their provision, then all eyes can turn to the NT.

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

GINA: Keep at it. You may not get where you want to via the most direct route but you will get there. And enjoy the longer journey!

JOSEPHINE: What energises you about work?

GINA: The ways in which content is created, published and communicated have evolved and expanded since 2000 and that pace of change is not abating. At the same time the legal framework in which we work has also altered at both a state and federal level, albeit not always as fast. Keeping up with both while trying to maintain a decent work/life balance is energising.

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

GINA: I'm going to beg an indulgence and ask to name two: one who is a lawyer and the other who is not. The lovely Lesley Power spent years being the deeply respected General Counsel of SBS. When she decided to relinquish that role she took some well-earned time off only to re-emerge as the CEO of the Alliance for Journalists' Freedom. The industry gets to keep her wealth of experience; Lesley gets to keep fighting the good fight from a different corner; and I get to be inspired by having a colleague prove so successful both inside and outside the lawyering world (note to Michael Cameron: no, boss, I'm not going anywhere). My other daily inspiration is my colleague and good friend, Georgia-Kate Schubert, whom you featured in last year's

IWD special edition. GK is News Corp Australia's Head of Policy and Government Affairs. If that wasn't enough of a challenge she also heads up Australia's Right to Know, which is the coalition Australia's major media entities use when they need to speak with one voice. It is impossible to list the myriad of skills GK brings to both roles but everything she does is done with a smile, kindness, intelligence and a level of politeness I can only aspire to.

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

GINA: Women in the media can achieve things that are truly extraordinary. For example, in September 2022, the news.com.au team of Lisa Muxworthy, Nina Funnell, Kerry Warren and Riah Matthews launched the Justice Shouldn't Hurt campaign which sought to obtain support and funding from the NSW government for a program helping child sex offence complainants as they navigated the NSW justice system. Like many things, the campaign started small with Nina being trusted with one family's horror story about their experience with the courts. It grew with a little bit of help from our team and another fabulous lady, Monique Cowden of Level 22 Chambers, until finally Lisa, Kerry and Riah each added their own unique input to Nina's reporting to create an impactful package designed to bring all eyes to this important issue. The result was that in February 2023, the Perrottet government committed to provide \$64.3 million to fund the program. Women did that and we are well worth celebrating. Happy International Women's Day!

JOSEPHINE: Thanks Gina! You too!

Emma Talbot

Head of Legal and Business Affairs, Global Creatures

To celebrate International Women's Day 2023, **Erin Mifsud** Lawyer for the eSafety Commissioner and CAMLA Young Lawyers Committee Secretary spoke with **Emma Talbot**, Head of Legal and Business Affairs at Global Creatures. Global Creatures is the Sydney based producer of the first and only Australian-produced show to win the Tony Award for Best Musical – *Moulin Rouge! The Musical*. After a secondment at Global Creatures many years ago, Emma started working at Global Creatures in 2019 and commenced in the role of Head of Legal and Business Affairs in 2022.

ERIN MIFSUD: Working with Global Creatures sounds like such an interesting and exciting position. Can you tell us about your role and what a typical day looks like for you?

EMMA TALBOT: The legal and business affairs function at Global Creatures is really varied so there is no typical day. At present our key focus is the international roll-out of *Moulin Rouge! The Musical* and we provide support navigating and advising on the network of contracts which make up the complex rights package for the show.

The role is very contract heavy with contracts needing to be negotiated and managed for all aspects of the production from securing the venue, to creating items of merchandise, and lately translating some of the 75 songs in the show into local languages for productions in Germany, South Korea and Japan.

We also provide day to day operational support to the business, including corporate and commercial matters and documentation.

There is a practical element of working in-house, which I really enjoy. A big part of the role is breaking down some of the complicated legal concepts and lengthy contracts into bite-size pieces for my colleagues to use in a practical way. We work hand in hand with our production and marketing teams so that you really feel like you have played a part in the finished piece on stage. This is quite different to being an Entertainment lawyer in a firm where you might complete a really exciting deal but then have no visibility about what happens next to the project. We really see how the contracts live and breathe!

ERIN: How did your career path lead you to your role with Global Creatures? Did you always want this job? If so, what did you do to position yourself to get it?

EMMA: I had always aspired to be a ballet dancer not a lawyer and I finished school at the end of year 10 after the school certificate to study ballet full time. When that path didn't work out, I didn't know what to do next, but I knew I wanted a career in the arts as it was where my passion lay. I went back to school to do my HSC and ended up studying Journalism/Law at UTS. I chose to do a summer clerkship at TressCox Lawyers when a friend told me about their Entertainment law practice – I hadn't known such a job existed in a law firm until then.

There was no role in the Entertainment law practice when I started as a graduate lawyer at TressCox Lawyers, so I worked in the general corporate and commercial group and put up my hand whenever little matters came up that the Entertainment law group needed an extra set of hands on, and eventually I made my way into the group when a role came up. Years later a partner with a wonderful theatre law practice, Robert McCormack joined the firm and again I put my hand up to work with him on whatever I could.

I feel like my years of classical ballet training gave me the structure and resilience needed for training as a lawyer, like drafting a document for the 10th time as a junior lawyer after being given feedback from a partner!

After I had my children I wanted to leave private practice as I felt it was time for a change and I was lucky to



be able to return to Global Creatures, a client of TressCox Lawyers whom I had worked with closely and where I had done a secondment many years earlier. Working in-house as an integral part of the business has been really motivating for me and given me a reason to spend more time in the workforce, rather than outside of it, after having children.

ERIN: It is great to see how your career has evolved and how your earlier dance experience shaped your approach as a lawyer. What's the greatest risk you've taken as a professional?

EMMA: I think every opportunity you take comes with some element of risk but I see a lawyer's career as one of constant learning. Often things don't work out as planned but I try to focus on the different skills and people I have met from each experience I have had in my career.

ERIN: Looking back at your career, what is the best work-related advice you've ever received?

EMMA: That there is no such thing as wasted experience. I definitely had moments earlier in my career where I was frustrated working on matters or for clients that didn't seem to be leading to the career outcome I

wanted in Entertainment law and a partner told me that no experience is wasted. I am reminded of this daily as an Entertainment lawyer as in-house I am regularly faced with legal issues that fall outside of the typical realm of Entertainment law such as leases, employment issues, trust documents, corporations law requirements and so on. It's not all copyright law and celebrities!

Which leads to the other best advice I received – a lawyer is a service provider and is there to help and support the client. If you aren't part of the solution then you are part of the problem and the client won't need your services.

ERIN: COVID had a major impact on the theatre and live performance industry. Now that theatre is back, what developments are you most excited about for the arts and entertainment legal landscape in 2023?

EMMA: Our industry really pulled apart the operation of cancellation and termination provisions trying to get the live entertainment sector back on its feet after years of government-mandated COVID closures, and a concept of a shared risk around cancellations emerged. I am curious whether this more collegiate risk position will remain as the COVID landscape settles.

I am also fascinated by the concept of AI-created works and the resulting copyright considerations. I think COVID has taught us that there is no substitute for the human experience of theatre, art and music in real life surrounded by other people sharing that experience with you. COVID almost destroyed the live Entertainment industry but it is still here and not just kicking but thriving and I don't think it needs an AI musical just yet!

ERIN: I agree, nothing replaces being in the crowd for a live theatre or music performance! If you could have dinner with any woman – living or passed, real or fictional, who would it be and why?

EMMA: Misty Copeland. Not only is she a mesmerising ballerina, her biography *'Life in Motion'* was a revelation to me and provided

such an insight into the lack of equity and diversity in the arts. Her determination and grace in overcoming the systematic obstacles in reaching her goal of becoming the American Ballet Theatre's first African American female principal dancer is inspiring and she has used her platform to do such good work in diversifying ballet.

I am so proud to work for Global Creatures who embody the mantra "everybody is welcome here" in embracing diversity and inclusion in its casting for *Moulin Rouge! The Musical*. On International Women's Day on particular I am thrilled to reflect on Global Creatures' choice to cast our Australian Satine, Alinta Chidzey, who auditioned while she was 37 weeks pregnant (and who started rehearsals with a 6 week old baby).

ERIN: That is so impressive, and I guess leads into my next question, the 2023 International Women's Day campaign theme is #EmbraceEquity. What does this mean to you and how would you suggest this is implemented in our readers' work and personal lives?

EMMA: For me #EmbraceEquity is about acknowledging the different experiences and career journey of women in the legal industry. It's evident that our profession is inundated by clever accomplished female law graduates and yet they are still not equally represented in partnership positions, in the judiciary, and in senior roles in business with so many women leaving the profession early in the career.

To truly embrace equity would be to recognise and normalise the role women play in caring for children and provide a way to balance that. It's like a death by a thousand cuts to your career – anecdotally you see women being frozen out of the "good" matters in firms, not being promoted, provided with limited paid parental leave, receiving no superannuation during parental leave, and being offered childcare options that are so expensive they often remove the financial incentive of a return to work. The silver lining of COVID is the greater availability of flexible working and working from home

alternatives but this is only a small step on the path to embracing equity.

Having said that, International Women's Day is also an opportunity for me to take a moment to be thankful for the many female lawyers who have given me a step up and provided hours of invaluable professional training and support particular for the wonderful female partners Jennifer Huby and Clare Mirabello at TressCox Lawyers. Also, for my female friends from uni – we are each other's career cheer squad, are happy to help in those "phone a friend" moments and remind each other to keep a sense of humour about the juggle.

I am so lucky to work for Global Creatures' groundbreaking female CEO, Carmen Pavlovic, who is a big supporter of providing opportunities for women in the workplace.

ERIN: Thank you so much for your time today Emma, and Happy International Women's Day!

Georgie Austin

Partner, Wotton + Kearney

Georgie Austin, Partner at Wotton + Kearney, speaks with **Jeren Gul**, Lawyer at Banki Haddock Fiora, about a career in media and commercial litigation. Georgie has acted in many high-profile defamation cases, including for Rebel Wilson and Grant Denyer. She provides pre-publication advice to clients including Channel 7 Melbourne, The Conversation Media Group and JAM TV Australia, as well as advising and representing clients in defamation and contempt matters.

JEREN GUL: Congratulations on recently becoming a partner. 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?

GEORGIE AUSTIN: Thank you Jeren, I am honoured to have joined the partnership at Wotton + Kearney. It is a high-performing firm with strong strategic vision and an impressive people-first culture, which really resonated with our team. We instantly felt at home at W+K. I didn't always want to be a lawyer and instead thought that I'd to pursue a career in journalism. In somewhat of a "sliding doors" moment however, I transferred into a legal studies subject the week before I started my final year of high school and very quickly fell in love with law. I completed a Bachelor of Commerce degree as a general grounding before commencing my LLB and wrote my Honours thesis on the protection of journalists' sources. I worked as a paralegal at my previous firm a few days a week throughout my LLB, including a six month stint in the media team which cemented my passion for media law. I undertook seasonal clerkships at several firms and chose my previous firm for the opportunity to work with Richard Leder who is exceptionally experienced and respected in the media law space. Our recent move to W+K, along with 10 of our colleagues, provides Richard and me with an incredible opportunity to grow W+K's commercial litigation offering and build the media law team. It is an exciting time and I am very much looking forward to this next stage of my career.

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

GEORGIE: With two children aged six and almost three, there is no

such thing as a typical day for me on a personal front. I try to fit in exercise at some point each day and am very lucky to have regular adjustments (from my husband who is a chiropractor) which keep me feeling physically and mentally strong and agile. On a professional front, there is also no such thing as a typical day in media law or commercial litigation, which is one of the reasons I love my job. My day can involve any range of tasks from attending court or mediation, witness conferences, meetings with clients and/or counsel or drafting/settling advice and correspondence. I place a very high value on relationships and strongly believe that successful teams are built around robust and genuine connections. I therefore make sure to spend time throughout each day connecting with my team and I am really proud of the strong connections we have created. As I continue to build my practice, I am also focusing on my involvement in business development activities and professional organisations and associations.

JEREN: What's the most rewarding work you've done to date in your career?

GEORGIE: Building on my answer above, I find the time that I invest in my team members, and seeing them succeed and grow on both a professional and personal level, to be incredibly rewarding. I also find the pro bono work that I have been involved in for organisations such as Justice Connect and Save the Children to be incredibly rewarding and provide further perspective as to how privileged we are to be able to share our knowledge and skills in a way that assists some of the most disadvantaged groups in society.



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

GEORGIE: I, along with the rest of the sector, have been closely following the ongoing reforms and reviews of defamation and privacy laws and the recent judicial consideration of elements such as the "serious harm" threshold. It is acknowledged that some level of reform is required to address technological change and innovation and to more closely align Australia's laws with those of other countries however, there are significant concerns about the impact that some recent reforms and proposals will have on the media. In particular, the proposal of the Attorney-General's Department in the recently released Privacy Act Review Report for the introduction of a statutory right for serious invasions of privacy, has the ability to significantly impact the free flow of information and the media's ability to report on matters of public interest and lead to increased litigation and costs. If such a tort is developed hopefully the legislation will address the legitimate concerns of the media – definitely a space to continue watching.

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

GEORGIE: Although not a high level risk, taking extended leave (15 months) after the births of both of my children would unfortunately still be considered a risk by some in the industry. Despite firms making great progress in terms of their approach to parental leave and policies offered, women often still feel pressure to return to the workforce quickly or without taking the full allocation of time authorised under the policies. Obviously it is a very personal choice as to when you feel ready to return and there is no right or wrong approach. I hope however, that there can be even further progress made to ensure that women don't feel they will be disadvantaged in terms of career progression or opportunities if they choose not to return to work quickly.

JEREN: How do you unplug from work?

GEORGIE: Spending time with my family and friends. Young children naturally demand your full attention and teach you to find joy in the smallest things, which is very levelling. I also love reading (I am currently alternating between *A Promised Land* by Barack Obama and *Norwegian Wood* by Murakami) and listening to podcasts, which I often do while exercising. A recent favourite was The Australian's podcasts, *Shandee's Story* and *Shandee's Legacy*, which investigated an unsolved murder and exposed catastrophic failures at Queensland's state-run DNA laboratory, leading to the announcement of an independent Commission of Inquiry into Forensic DNA Testing in Queensland. The Inquiry was conducted by former President of the Court of Appeal, Walter Sofronoff KC. *Shandee's Legacy* reports on the Inquiry and the damning findings of Mr Sofronoff KC, who delivered his final report in December 2022. The podcast includes snippets of audio of robust cross-examination by Counsel Assisting, Michael Hodge KC, which I very much enjoyed listening to.

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

GEORGIE: Renee Enbom KC has been an incredible mentor, friend and role model for me throughout my entire career. I first met Renee when I was a paralegal/first year law student and she was a Senior Associate and I was honoured to have her move my admission a few years later. I admire Renee for many reasons including her work ethic, sharp intellect, strategic thinking and ability to connect with people. Renee also manages to bring humour and light to even the most demanding matters. She is often one of the first people I turn to for advice and was important confidant when I was considering my recent move to Wotton + Kearney. It has been inspiring to watch Renee's career progression and to see her build such a diverse and interesting practice. Some of my favourite memories are from matters where I was instructing Renee, including representing Rebel Wilson in her successful defamation matter against Bauer Media and representing Victoria Police and its current and former officers in the Royal Commission into the Management of Police Informants (the 'Lawyer X' Commission). On a more personal note, I appreciate how Renee remains so involved in family life while maintaining her incredibly successful and busy practice.

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

GEORGIE: This International Women's Day I would like to celebrate the wonderful female colleagues I work with at W+K and more broadly, the female mentors who I have been lucky to encounter on my career journey and all of the women who are currently studying or aspiring to join the legal profession.

Zoë Hibbard

Lead Legal Counsel (APAC), Media.Monks

David de Mestre, Associate in Bartier Perry's Commercial Disputes and Litigation team, speaks with **Zoë Hibbard**, Lead Legal Counsel (Asia-Pacific) at **Media.Monks** – a global content, data & digital media and technology company.

Zoë is a powerhouse commercial lawyer in the media sector with over ten years' qualification experience working in both Australia and the United Kingdom. In her current role, Zoë is responsible for corporate, commercial and post-merger integration in the APAC region.

DAVID DE MESTRE: Zoë, how did you end up working in media law? Were you always interested in media?

ZOË HIBBARD: Well, I studied Law / Media & Communications at university so I'd like to say it was 100% planned, but after a number of years in private practice, a happy accident (over a pint at a pub) led to a role in-house at a renowned film production company in London and LA. I was there for nearly 5 years. At Media.Monks I have been able to build upon that experience in more expansive media - data, digital, tech, and content.

What interests me about media law is that we are now considering issues and working through challenges in the metaverse and generative AI. Who knows what innovations will be dominating legal discourse in the next few years?

DAVID: Tell us about a typical work day for you (including how you unplug after work).

ZOË: While I lead APAC with a team spread across Sydney, Singapore and Shanghai, I report into London and that means managing timezones... it doesn't matter how late I work, my inbox first thing in the morning is always full.

Days are usually busy with meetings with my team or varied internal stakeholders and finding time to prep for/action those meetings! A large part of my day is working with the business teams, and this intersection of different perspectives helps with developing 'bigger picture thinking' which is so crucial for an in-house counsel. It's this mix that keeps me engaged.

Not sure I'm the poster-child for unplugging after work, but I do try. The evening ferry is a treat, a nice circuit breaker between office/home, especially

after a couple of years predominantly working from home during the pandemic. I've also switched off all notifications outside of working hours - this means, if I'm working then it's intentional, not disruptive, which has been key.

DAVID: What recent events in Australian media law have had the greatest impact on your organisation/role?

ZOË: Definitely adtech regulation, for example the ACCC's focus on and action against Big Tech platforms. We partner with global leaders in this space, so downstream there are significant changes in the way these platforms process data and in turn, how we must mitigate these risks.

Additionally, several recent data leaks in Australia have hit the news - certainly pivoting the focus of a lot of our clients to privacy/infosecurity, and rightly so. As a legal team that advises on data analytics, digital media, technology and its intersection with privacy compliance, we've seen a dramatic increase in clients' attention to privacy and security controls in recent months and we expect that to continue.

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

ZOË: Being in-house, the reforms I feel are needed are also the ones that will make my job harder (especially as we work with Big Tech, data, and off-shoring)! But of course, it has to be privacy.

My work is multi-jurisdictional, and the nature of the internet, data and beyond makes this very tricky. My hope is more consistency with international data and privacy standards/frameworks.



DAVID: What are you most excited about working on right now?

ZOË: Definitely Generative AI. It's disruptive and exciting, and certainly has the attention of our global Legal & Privacy teams. Within the Legal team, we are trying to wade through the complexities of this tech, from ownership and intellectual property, to use and commercialisation, to risk analysis and mitigation. The balance to strike is not being a 'handbrake to happiness' as I've been called once or twice before by our ever-innovative business teams, a moniker that is not so rare working in-house I'm told.

DAVID: The 2023 International Women's Day campaign theme is #EmbraceEquity. What does this mean to you personally and how would you suggest our readers implement this in their professional and personal lives?

ZOË: I think as lawyers, we tend to have a mind that focuses on 'fairness', whereby if I treat everyone the same then I'm fair and everything's equal. Equity is a different metric to equality, it's not "what I am doing is fair/balanced" but "is what I am doing enough to ensure fairness based on individual need, circumstances and many other factors?" with more focus on the end result. It takes education and communication to help transition to this thinking. I'm very fortunate at Media.Monks that we have a very powerful diversity, equity and inclusion (DE&I) practice at a global and regional level, and ERG's supporting

and advocating for many different groups and educating the global team accordingly. If your workplace doesn't offer this, I'd encourage you to seek out an organisation that genuinely focuses on DE&I, and that offers support and education to increase your awareness of equity both in your professional and personal lives.

DAVID: What are you most excited about for your role and organisation in 2023?

ZOE: What excites me is that Media Monks is disrupting the industry. I've

been at Media Monks for just over 2 and a half years, and it never disappoints. It cuts across so many media disciplines, which means my team are always learning new things (and new things to dissect and understand from a legal perspective). Part of the fun is bridging the gap. The Data team like to think we speak their language (and we do try!), the Creative team are 'creatives', and these different pillars have different needs and risk profiles, not to mention spanning across multiple jurisdictions.

We are also so fortunate to have strong female leadership across the global

legal team, from the General Counsel to regional leads and the wider legal team, which certainly makes for a supportive environment for success.

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

ZOE: I'd like to be asked this question in another 5-10 years, but to draw on something I was told once and I think about daily - be ambitious, but if you don't practise contentment now, you'll never be content when you get what you want.

Sarah Stone

Senior Corporate Counsel,
Optus Satellite & Space Systems

Antonia Wayne-Boyle, Intellectual Property and Technology lawyer at Clayton Utz, speaks to **Sarah Stone**, Senior Corporate Counsel at Optus Satellite & Space Systems about what a typical day looks like for a 'space lawyer' and how we can #EmbraceEquity by giving each individual the tools or opportunities they need to succeed.

ANTONIA WAYNE-BOYLE: Could you explain your role and what a typical day looks like for you?

SARAH STONE: It can be hard to nail down what is a 'typical day', but I'll give it a go!

- Step 1: Wake up – often far too early – to organise kids and get them to school
- Step 2: Have a STRONG coffee. Note the success of completing Step 1 (get kids to school – on time) and the rest of the day's objectives is highly dependent on Step 2!
- Step 3: Check emails, calendar and prioritise the day's activities
- Step 4: Take or make a work call or join a meeting, then circle back to Step 3
- Step 5: Repeat Steps 3 & 4 endlessly
- Step 6: Get to the end of the day and marvel at how it ended up being so different from what I'd planned at the beginning

On a more serious note, my typical day is spent advising Optus' Satellite & Space Systems business on some really exciting and challenging projects. I get to have conversations with incredibly intelligent and talented Optus colleagues about the cutting edge and transformational space programs we have underway, including

the new OPTUS-11 spacecraft that will be in geo-stationary orbit 36,000km from Earth and the Mission Extension Pod we plan to attach to one of our existing satellites to extend its life. I learn something new every day and consider myself incredibly fortunate to be able to call myself a 'space lawyer'.

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

SARAH: In my area in particular, the increasing focus on commercialisation of space activities is a gamechanger. The laws that apply to space activities are generally a combination of international space treaties made at a time when space exploration was controlled by governments, and national laws that don't necessarily translate well to activities in space. It will be really interesting to see how legal and regulatory frameworks evolve to accommodate this 'new frontier'.

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

SARAH: Believe in yourself and don't let those feelings of being an 'imposter' take over. I've battled imposter syndrome my whole working life (and still do!). However, I've realised now I need to trust



the angel on my shoulder and not give in to that devil inside my head (...kudos to anyone who recognises the reference to a Kaskade song... EDM rules!)

ANTONIA: The 2023 IWD campaign theme is #EmbraceEquity. What does this mean to you and how might that be implemented in our readers' work and personal lives?

SARAH: For me, #EmbraceEquity at its very basic level means giving each person a fair go by providing them with the tools or opportunities they (as an individual) need to be successful. It's not enough to treat everyone the same. We need to recognise and celebrate everyone as an individual.

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

SARAH: Our willingness to adapt and challenge traditional norms. It can sometimes be hard-going, but each time we do it, we challenge those stereotypes and show that as an industry we can #EmbraceEquity.

Jacquie Shanahan

General Counsel and Company Secretary, Isentia

Justin Kardi, Intellectual Property and Technology lawyer, Clayton Utz, talks with **Jacquie Shanahan**, General Counsel and Company Secretary of Isentia Group, about Jacquie's career, recent developments in the media and communications law landscape and the people and things that are inspiring her this International Women's Day. Jacquie is a corporate commercial lawyer with over 20 years of experience in corporate governance, legal and regulatory compliance and risk management. Prior to joining Isentia, Jacquie held company secretarial and legal roles with subsidiaries of United Parcel Service of America, the ASX listed Roc Oil Company and RGA Reinsurance Company of Australia.



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

JACQUIE SHANAHAN: When Isentia was an ASX listed company, my role as company secretary was my focus and my priorities were supporting the Isentia board and managing compliance and governance. Following Isentia's takeover by London Stock Exchange listed Access Intelligence Plc in late 2021, I have been able to refocus my attention on supporting the commercial aspects of the Isentia business and my General Counsel role is now the priority.

Isentia is a media monitoring organisation with sales teams in all major cities in Australia, as well as in Wellington New Zealand, Singapore, Jakarta, Bangkok, Manila, Ho Chi Minh and Kuala Lumpur, and operations and engineering teams across the globe. A typical day can involve responding to commercial and/or legal issues in any one of these jurisdictions in relation to a range of matters including sales contracts, supplier terms, copyright and other intellectual property licensing, operations issues, property leases and employment contracts. In addition to this there is managing oversight on trade mark registration, any litigation and privacy and data compliance.

No day is a typical day and I remain fairly dependant on external law firms for specialist advice and support.

JUSTIN: What recent events in the Australian media and communications law landscape have most affected Isentia?

JACQUIE: The ACCC's work on digital platforms leading to the creation of the News Bargaining Code was critical for Isentia. It meant that digital platforms are now compelled to remunerate publishers for the use of the publisher's content. Isentia has been remunerating publishers through licensing and supply

arrangements for decades so for many years it was frustrating to see almost identical use of content being used for commercial benefit of the digital platforms at no cost.

The News Bargaining Code has levelled the playing field to some extent but there are still challenges to the level playing field and some of those challenges rest with the publishers themselves allowing a level playing field. It has to work both ways.

Isentia was also recently involved in proceedings in the Copyright Tribunal of Australia which resulted in a determination that was then subject to judicial review by the Full Federal Court. Together the Tribunal and Full Federal Court decisions are important authorities on the scope of the Tribunal's power to order licence terms. They also highlight a number of key matters that should be carefully considered when developing a strategy for copyright licensing negotiations. The Tribunal's determination was also the first decision of the Tribunal to apply the ACCC's Copyright Guidelines since their publication in 2019.

I feel proud to have been involved in proceedings which led to legal precedents which will serve as a guide to the media and communications industry well into the future.

JUSTIN: That is the sort of satisfying achievement that would be a highlight in any legal career! Thinking about your career to date, is there anything you have learnt that you would like to give as advice to your younger self?

JACQUIE: Back yourself. Acknowledge the skills that you have learnt and earned and trust yourself to use them with courage and confidence.

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

JACQUIE: Actually, I am going to name three.

The first is Justice Jayne Jagot. On the Federal Court, Justice Jagot presided over a number of matters I have been involved in. The most recent being the handing down of the Full Federal Court judgment referred to above. The timing of the delivery of the judgment took us by surprise but was explained the following day when Justice Jagot was announced as the latest appointee to the High Court of Australia. As members of the profession in NSW we have to admire Justice Jagot's achievements and progress through the profession leading to this appointment. It would also be remiss not to celebrate, as part of International Women's Day in 2023, the fact that, with Justice Jagot's appointment, the majority of High Court justices are women for the first time in its 121-year history.

The second is Gina Cass-Gottlieb, whom you featured in last year's special International Women's Day edition. I have sought Gina's advice on a number of matters over the years and never ceased to be amazed at her cool, calm and insightful delivery of advice. Her grasp of the business need or commercial issue at stake and then her capacity to articulate the most complex legal issues in a measured and practical way are truly admirable. Gina makes even the delivery of the advice you don't want hear seem acceptable! Competition regulation and the ACCC are in safe hands with Gina at the helm.

Lastly, I am calling out the Hon. Michelle Rowland MP, Minister for Communications, whom you are featuring in this year's special International Women's Day edition. I have read in detail the speech she gave to CAMLA on Media Policy: Priorities for a New Government and admire her commitment to ensuring all Australians have equitable access to media services and content regardless of how much they earn or where they live. Her support of a level playing field for Australian media businesses in which they can compete effectively also resonates for me and my role at Isentia.

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?

JACQUIE: When I entered the profession over 25 years ago the opportunities outside a professional law firm practice were limited and, where they existed, these roles were not given the respect

they deserved. I think we can celebrate today the diversity of opportunity that now exists in the legal industry. This diversity has largely been driven by women forging new pathways to accommodate flexible working needs well before the pandemic forced this upon us. At the same time the professionalism and skill women have brought to these changing roles means

the roles command respect and their value is recognised. Opportunities for women (and men) in the legal industry are now limitless and extend across all industries, the arts and government as well as private practice.

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

Sarah Hoolahan

Associate General Counsel (ANZ), Meta

Jess Millner, Senior Associate at MinterEllison, speaks to **Sarah Hoolahan**, Associate General Counsel for Australia and New Zealand at Meta. Sarah supports Meta's operations in the ANZ region, advising on a broad range of legal subject matters but with a particular focus on regulatory matters, litigation, and consumer issues. Prior to joining Meta, Sarah was a Senior Associate at Allen & Overy in Sydney, specialising in competition and consumer protection.

JESS MILLNER: I imagine your role at Meta is busy and exciting. What does a typical day look like for you?

SARAH HOOLAHAN: It certainly is! As an Associate General Counsel for Meta covering Australia and New Zealand, my role involves advising on all sorts of legal matters impacting the business in this region – from litigation and regulatory inquiries, to counselling on product launches, navigating law reform and the evolving intermediary liability landscape, and everything in between. It's an incredibly diverse and constantly-changing role, which means there really is no 'typical' day.

The culture at Meta is deeply collaborative and I'm fortunate to work closely with so many brilliant legal and business minds. Much of my days are spent in meetings with colleagues in both legal and cross-functional teams, as we navigate our approach to a myriad of interesting (and challenging!) legal and regulatory issues.

JESS: With that in mind, how do you unplug from work?

SARAH: A few things come to mind:

Spending time with my husband and our two kids. Kids have an excellent way of commanding presence! My 5 year old daughter often takes it upon herself to shut my laptop and say: "Don't worry Mum, you can do it tomorrow"... and she often gets it right.

A pilates class to disconnect, or something as simple as a quiet cup of coffee outside in the fresh air.

As much as I have loved the flexible way of working over the past few years, I've found returning to the office a few days a week a great way to build better boundaries. Somehow, shutting the laptop and physically leaving the office at the end of a day really helps to unplug.

JESS: Did you always expect to end up in an in-house role at somewhere like Meta? How did your career path lead you there?

SARAH: I was a senior associate in a competition law practice and loved the work – but had a feeling that I'd eventually end up in-house. When an opportunity to work at Meta came up I jumped at it. It was a great chance to both further my experience in areas that I knew and loved (competition, consumer protection, regulatory) and dabble in many new and exciting areas. No two days have ever been the same in this role, and I've loved the variety and the challenges.

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

SARAH: Trust yourself!

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

SARAH: I think we'll see a lot of focus in 2023 on consumer interactions online – including through cybersafety and regulation of online content, and consumer protection measures. It's a fascinating time.



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

SARAH: To me, International Women's Day is about celebrating the achievements and successes of all women in the profession, whatever path they may be on. There's so much to celebrate... New graduates entering the profession; seeing balance in the workforce; and witnessing women supporting other women.

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

This is a tough one, because I have so much admiration for the women I work within the tech space. I'm fortunate to be supported by a truly wonderful network of lawyers at Meta, both within the legal team and across the outstanding law firms we work with. Most of all, I count Sophie Malloch, Meta's Legal Director for Australia and New Zealand as a mentor. She's an outstanding lawyer and fundamentally a good person who has taught me so much about law, leadership, and managing the juggle of career, family, and everything else in life.

Keya McGeown

Lawyer, SBS

Anna Glen, Lawyer in the Disputes & Litigation team at the Australian Broadcasting Corporation (ABC), sits down with **Keya McGeown**, Lawyer, Special Broadcasting Service (SBS), to discuss her career and thoughts on International Women's Day. Keya is an award-winning in-house media lawyer at SBS, specialising in pre-publication, production, and Indigenous cultural intellectual property. Keya was awarded the Rising Star – In House in the Lawyers Weekly Women in Law Awards 2022 and earned her place in the Legal500 GC Powerlist – Rising Stars Australia 2022. She will happily chat your ear off about netball, theatre, arts and music, and her puppy Arthur.

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

KEYA MCGEOWN: I am a new 'dog-mum' so it will always start with a walk and some play at the park with my puppy, 'Arthur'. Then a short stroll to my home study, or a longer drive across the bridge to the SBS office to start the workday. From there, *not to sound too cliché*, but like many in-house lawyers there is no typical day. My day could be spent drafting, and reviewing production, commissioning, and content acquisition agreements, progressing long-term projects, or advising on SBS and NITV content. All of this is often punctuated by the breaking news of the day, advising the newsroom or any number of SBS's 63 language programs.

ANNA: Did you always want this job? How did your career path lead you here?

KEYA: No, not at first. I was studying a Bachelor of Laws/Bachelor of International Studies at UTS, but I had always envisioned myself working in the Arts and Entertainment sector having been inspired by my late aunt, Lyndell. In my penultimate year of study, I was certain I had made the wrong choice, that I would never practise law and I'd need to transfer to a different degree. I remember feeling isolated when my peers were seeking clerkships in those traditional pathways, and it just didn't feel right for me. Then, in 2018 I was presented with a choice to: (a) undertake a yearlong cultural exchange in France, or (b) accept an offer to be the Indigenous Legal Cadet with SBS's in-house legal. In January 2018, I commenced my role in the SBS team and have never left. I was promoted to Lawyer upon my admission in September 2019. My role at SBS has given me the chance to harness my love for the industry and honour my aunt's memory, while discovering a new passion for the empowerment of

Australian storytellers and Indigenous cultural intellectual property. Opportunities like this weren't visible to me during my degree, I didn't know that in-house was a viable career path or how to break into it. I believe you can't be what you can't see, so I think it's crucial for all law students to see that there are a diverse array of roles out there for lawyers, not just the traditional corporate or criminal law roles.

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

KEYA: Engaging with one of Australia's most trusted newsrooms and the highest quality journalists, there exists a critical element of protection and empowerment in my role. Since 2018, Australia has had a steady and staggering decline in press freedom, manifest in the 2019 AFP raids on News Corp journalist Annika Smethurst and ABC Ultimo over stories that revealed disturbing allegations. This rupturing of the fourth estate shepherded in the start of my career as a lawyer at SBS. The start of my legal practice also coincided with several high-profile defamation proceedings that had an immense chilling effect on the industry. These various moments marked the start of my career and, inevitably, greatly impacted the way I give pre-publication advice, training and advocate for my clients at SBS. SBS, as a publisher of important stories that inform the cultural identity of Australia, has to be on the front foot in its understanding of and compliance with various reforms and decisions. With it now being almost 3 years since the 2020 PJCIS report into the *'Impact of the Exercise of Law Enforcement and Security Powers on the Freedom of the Press'*, it has been encouraging to see the Attorney-General Mark Dreyfus refocus on government commitments to improve protections for journalists and the critical role of media freedom in Australia, though we have a long way to go.



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

KEYA: Working in the ever-evolving landscape of Australian media there is always a long list of changes you hope for. For me, it is unnecessary to articulate which of the many necessary reforms is most important, it is instead critical that the proposed reforms happen sooner rather than later. With the rise of new media, such as FAST, the sector is heaving with newness and can often be volatile and unbalanced in its regulation. One thing I think many in the industry will agree is that reform is often slow to the starting block while, *to carry on the sport metaphor*, consumer habits, technology and media strategies are onto the next event. The Stage 2 Defamation reforms are an exciting prospect that may reset the balance disturbed by innovative and responsive technology trends. A critical element of reform for the sector is platform neutrality and responsiveness.

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

KEYA: Back yourself. This advice was offered to me quite recently and I didn't realise how much I needed to hear it until I did. I am so grateful to the colleague that offered me that guidance because I hold them in such high esteem. What I took from this advice is that you earn trust, from your colleagues and your clients, and that you need to acknowledge your accomplishments as benchmarks rather than heights you can fall from.

Alex Morrissey

Senior Lawyer, ABC

Alex Morrissey is a Senior Lawyer at the ABC in the Acquisitions and Productions legal department. She sat down with **Grace Griffiths**, IP Associate at Corrs Chambers Westgarth, to discuss her career and reflect on the 2023 International Women's Day theme, #EmbraceEquity.

GRACE GRIFFITHS: What does a typical day at work look like for you?

ALEX MORRISSEY: Like most parents of young children, I begin the day early, trying to bring some calm to the chaos that is involved with getting 2 young children out the door, hopefully wearing shoes. Once that's done, I take a moment for a breath and coffee. I'm working in hybrid mode so I could be either heading into the office or sitting down at my desk in my active wear.

The work content of my day can vary wildly with some days full of meetings, others spent steadily working on co-production financing agreements and many spent dealing with urgent matters that are subject to production or publication deadlines including all manner of copyright, contract and pre-publication queries.

My clients at ABC are diverse including ABC News, online, TV and radio, executive producers from drama and comedy genres as well as Children's programs like Play School and the ABC's radio teams like RN and Triple J. While the high value dramas are often my focus, the ABC also provides Australian communities with value through community partnerships and this work is just as important.

GRACE: What drew you toward working in the media industry? Was it something you sought out or drifted into by circumstance?

ALEX: I've always had a keen interest and involvement in the arts. Prior to studying law, I completed a Bachelor of Arts in Dance at UNSW. This led to a curiosity about IP law once I began my law degree and following some paralegal work it was confirmed that IP and Media law seemed like a natural fit for me. I was fortunate to get the opportunity to specialise

in this area at Baker McKenzie after graduating.

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

ALEX: The public interest defence to defamation law being implemented and the ongoing review of the model defamation provisions is relevant to the ABC as a publisher of content across multiple platforms. Our lawyers are assessing stories for publication all day, every day, so any changes in this area can have a real day to day impact.

In addition, it will be interesting to see the Australian Government's National Cultural Policy rolled out in the next three years. The new body 'Creative Australia' will be established as well as Music Australia, the Centre for Arts and Entertainment Workplaces and Writers Australia and a dedicated First Nations-led Board.

GRACE: What energises you about work?

ALEX: Definitely the variety of work and also contributing to such a valued organisation in the Australian media landscape.

GRACE: Can you describe a work-related opportunity that you're glad you seized?

ALEX: Any time I've doubted myself and then had the courage to back myself and step up I've always been glad I did. Even if something doesn't work out perfectly there is something to gain by giving it a go and you will always be pleased you tried.

GRACE: What is the greatest risk you've taken as a professional?

ALEX: Leaving a permanent role to take on a short-term contract role in an organisation I was more passionate about. It worked out and I'm still here.



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

ALEX: Be curious and open and always back yourself.

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

ALEX: The Hon Dr Annabelle Bennett AC SC for her passion, courage to seize new opportunities and her ability to maintain a great sense of humour.

GRACE: The 2023 International Women's Day campaign theme is #EmbraceEquity. How do you think the legal and media industries can work to achieve the goal of gender equity?

ALEX: I think the pandemic has shown us that flexible arrangements really can work. I also think it's equally important for organisations to offer and encourage flexible and part time work options for men so that partners can relieve some of the load on working mothers.

Clare Gill

Chief Regulatory and Sustainability Officer, Seven West Media

Tess Mierendorff, IP Senior Associate at HSF Sydney, spoke with **Clare Gill**, Chief Regulatory and Sustainability Officer at Seven West Media, to discuss her career to date, International Women's Day, and the future of media regulation in Australia.

TESS MIERENDORFF: Thanks for agreeing to talk with us as we celebrate International Women's Day, Clare. Could you tell us a little about your current role and how your career path led you to where you are today?

CLARE GILL: I am currently the Chief Regulatory and Sustainability Officer for Seven West Media where I get to immerse myself in the future of media. This involves looking where the industry is going, current and emerging technologies and evaluating the need for new policy settings to ensure sustainability for free premium content creators like Seven West Media in an increasingly competitive media and advertising market.

I also have the privilege to work on Seven's Sustainability strategy and promoting the great work Seven does in contributing to communities, working towards being a more inclusive business, supporting future generations, and improving our impact on the environment, through improving our own practices and also using our platform for environmental causes such as Planet Ark's National Recycling Week.

I started my career in Politics working for a Victorian State Minister. While working in politics, I was attracted to the role of the press secretary and undertook a postgraduate in media and communications. I followed my post-grad diploma with a Master of Arts, Communications where I took a deep dive into the structure of the Australian Media and the regulatory environment. In my earlier career I worked for a technology and telecommunications consultancy, then moved to Ericsson, NICTA (now CSIRO's Data 61) where I built my understanding of technology and how new technologies go from concept to the market. I then took time out when my children were young but continued my studies doing a post-grad in commerce. I then took on an executive role at Optus leading Government and Corporate Affairs, then moved to Nine. Seven West Media recognised my experience and offered me the role at Seven West Media, where I am currently

working on some interesting and forward-looking regulatory challenges.

Working for various technology businesses has given me a unique insight into the development of some very interesting technologies. I saw the birth of Bluetooth as a technology standard and grow to become a product built into most connected devices, and been involved from analogue mobile telecommunication, through to 3, 4 and now 5G. This set me up for working in contemporary media businesses which are not only content businesses but technology businesses.

TESS: You've held senior government and regulatory affairs roles in a number of different media companies – what energises you about your work?

CLARE: The constant change brought about by advances in technology. Advances in technology always interest me and the intersection between technology and regulation is the most energising aspect of my work. While new technology can create new and exciting business and opportunities, left unchecked they can be harmful.

For example, ChatGPT and its potential is impressive, however with this new advance in AI, new concerns arise including how do we protect the intellectual property of content creators underpinning these new technologies.

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

CLARE: "Life is not black and white; the best leaders are those who successfully navigate the grey".

TESS: What is the greatest risk you've taken in your professional life, and how did it turn out?

CLARE: I have taken a few career breaks to pursue further studies (and spend time with my children). At the time it



seemed scary to stop the trajectory of my career to learn skills that I believed would assist me in the future.

I would recommend further studies to expand your skills and understanding of business. While I have done a few formally recognised degrees, I also have done several shorter courses or single subjects to fill gaps in my skill set.

TESS: It is shaping up to be a big year for regulatory reform in the media sector. The Federal Government has recently released its News Media Bargaining Code Review, unveiled a new National Cultural Policy – Revive, and there are further reforms on the horizon. What do you see as the biggest challenges (and opportunities) for the media sector in the year ahead?

CLARE: For the free-to-air sector, the work on regulated prominence is essential and swift implementation will help underpin the future of the free TV sector in Australia. The biggest challenge, however, is making sure the right balance is struck between all the reform measures being pursued by the Government and ensuring there are no unintended consequences which undermine the public policy objectives of a vibrant media market. Further, the importance of the ACCC's work on regulating digital platforms cannot be overstated. A great deal of very detailed analysis has been undertaken by the ACCC to make informed pro-competition regulatory recommendations. If the Government can effectively regulate the dominance of the platforms and their harmful behaviour, competition and the long-term interests of the end user will be better protected.

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

CLARE: We need to take the time and explain to those who don't understand their views and learned behaviours are no longer acceptable, why, and how things have changed and give them the

chance to learn and adapt to a more inclusive working environment. Just telling people they are wrong or out of touch does not lead to positive change.

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

CLARE: The regulatory field in media has truly #embracedequity. The female regulatory leaders in media are truly

inspiring, and capable women. I am honoured to be working in this field with so many senior female leaders.

TESS: And lastly, what advice would you give to the next generation of leaders in the industry?

CLARE: Build strong networks. A strong positive network can provide advice, open up new opportunities and become life-long friends.

Madeleine James

Senior Associate, Corrs

Madeleine James is a Senior Associate in the Commercial Litigation and Technology, Media and Telecommunications groups at Corrs Chambers Westgarth, and a former member of the CAMLA Young Lawyers (2018-2022). Her practice is focused on media and technology disputes, defamation and pre-publication advice, as well as general commercial litigation.

Nicola McLaughlin, Legal Counsel (Marketing & Consumer) at NBN Co, sits down with Madeleine to discuss her career to date, and her thoughts on International Women's Day.



NICOLA MCLAUGHLIN: 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?

MADELEINE JAMES: Definitely not. I was adamant that I was going to work in journalism or television production when I grew up, and would get annoyed when family members suggested I'd make a good lawyer. But when I finished school, I was in a position where I could get into a law degree, and decided to combine it with journalism. It wasn't long before I realised I was much more passionate about my law studies. I had a few jobs in TV and digital media during university, but wanted to try working in law. I got a clerkship, and the rest is history. Having a background and interest in media definitely led me towards the specific role I'm in now, working as a disputes lawyer on a range of matters involving media, technology and defamation.

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

MADELEINE: The ongoing review of the Model Defamation Provisions, and the amendments introduced in 2021, have probably had the biggest impact on my role and on many of the digital platforms and technology clients my team works with. Together with some significant decisions handed down by the courts in recent years, such as the High Court's

decision in *Defteros*, the recent changes have impacted nearly every aspect of defamation proceedings.

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

MADELEINE: Not too surprising, given my previous answer – I'm eager to see the results of the Stage 2 defamation review concerning digital platforms. We heard late last year that the next stage of reforms should involve conditional exemptions for internet intermediaries, and a new form of innocent dissemination defence, but we've yet to see the specifics.

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

MADELEINE: The honest answer is Phoebe Waller-Bridge, who strikes me as a smart, creative woman at the top of her game.

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

MADELEINE: I have been lucky to work with several really impressive women in my career, including colleagues, clients and counsel. I won't name and praise them without their permission, so instead I will tell you the standout tips and pieces of advice I've picked up from them: There

is no shame in asking a simple question, especially when it looks like others may benefit from the answer or have lost sight of its importance. It never hurts to have the person on the other side be your friend, so unless there is a reason not to be, be known as someone who is reasonable and accommodating. Be more prepared and five minutes earlier than you think you need to be.

NICOLA: How do you unplug from work?

MADELEINE: I swim laps, and I go to the movies fairly often – basically, forced time away from my phone. People who work with me also know I'm a big advocate of the midday wellbeing walk.

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

MADELEINE: I still see myself as being in a formative part of my career, with a lot to learn from women in the industry (many of whom will be interviewed for this edition). But thinking of the next generation of women who are at the start of their careers, I would say – take ownership of (and credit for!) the work that you do; rely on and support the other women around you; and approach every opportunity with the confidence of your male peers.

Ali Shilkin

Senior Legal Counsel,
(Regional Lead Australia), BritBox

Alison Shilkin is Senior Legal Counsel (Region Lead Australia) at BritBox International, a relatively new entrant into the streaming market here in Australia. Prior to BritBox, Ali was Principal Legal Counsel at Foxtel (and was Legal and Regulatory Counsel at Austar Entertainment before it merged with Foxtel). Before moving in-house, Ali worked at a number of firms in commercial and competition roles, including at NRF and KWM. When not working or watching TV, Ali enjoys spending time with her family, doing pilates and is an avid AFL fan. **Annie Watts**, lawyer at MinterEllison, chats with Ali about her career and International Women's Day.

ANNIE WATTS: What does a typical day look like for you at BritBox?

ALI SHILKIN: Once I've wrangled my kids to school and got myself a coffee, my 'work' day can be pretty varied – anything from negotiating a content acquisition or partnership deal, to reviewing marketing materials or monitoring new legislation, to working with our shareholders and dealing with co-sec matters. There's always lots of meetings and we may even get a special screening of a new show thrown in!

ANNIE: How has your career path led you here?

ALI: After working in a big legal team at a company with 100s of employees (I was previously at Foxtel for many years), I felt that I wanted a new experience and the opportunity to be the only lawyer working with a smaller, start-up business and 'get my hands dirty'. Britbox is now in scale-up mode having only been in the AU market for a few years, so there are a lot of big strategic decisions being made – so it's an exciting time to be able to collaborate with the team and support the business to grow.

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

ALI: Unfortunately, something that I'm not sure will ever keep pace is the ever-increasing gap between technology and the way it's regulated under law. Law reform, in not only the streaming/content space, but across the internet and tech more generally, and now AI, just always seems to be one-step behind the speed of changes in the sector. I certainly don't have the solution, but it's very obvious, at least in the media space, that many aspects of regulation are completely antiquated and not fit for purpose in the current marketplace.

ANNIE: What advice would you give to a younger Ali?

ALI: Absorb and take on every experience – it's all a great learning opportunity. I don't think I realised at the time, but all those tasks you do as a junior lawyer – like working on (what seems like) mundane due diligence tasks for days on the periphery of a big transaction, or appearing before a District Court Registrar on a directions hearing, or even doing discovery – you just make what you can from each of those experiences. Always say yes and just give it a shot. I don't think I'd ever anticipated where I would land back in those days – but equally, without those experiences, I don't think I'd be the lawyer that I am today.

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

ALI: Once I moved in-house, it was a huge adjustment in the style of work and output expected. My boss at the time taught me the 80-20 rule – with limited resources and time, but the same high volume of legal work, it was necessary to identify what were those things that would be the most productive / important for the business and put my focus into those. Sometimes there are risk calls that you just have to make quickly, and not sweat over.

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

ALI: When I was a very junior lawyer back at a law firm in Perth (I think in only my second year out of law school), a new competition partner joined the firm who had the WA ERA (Economic Regulation Authority – similar to NSW IPART) as one of her clients. They wanted a secondee to help them out for a short time and even though it was a very daunting proposition at the time (having no experience in that area of law) I jumped



at the chance. It was the first time I got a taste of working 'in-house', and I believe it gave me a great insight into what businesses actually want from their lawyers. It also cultivated my interest in competition, consumer and regulatory law. This meant I was able to work on some big media deals in other roles, which led to my interest in working in the media industry. I'm also not sure I knew it at the time, but it no doubt planted the seeds for my eventual move to an in-house role.

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

ALI: That's a really hard one. Probably an actress to live out my unfulfilled dream of becoming one (!) – Gwyneth Paltrow (also to get a sneak peek at her house) or Laura Linney or maybe even Audrey Hepburn.

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

ALI: This is another difficult question. I'm not sure I would necessarily say anyone specifically, but definitely the women in the industry I admire are those women who seem to so effortlessly juggle being a mother (and the myriad of commitments that entails) with being at the top of their game professionally and having amazing legal practices and careers. I've been honoured to work with a few of these women (they know who they are) and I truly admire and respect them and hope I can emulate them.

Priti Pasupuleti

Company Secretary & Senior Legal Counsel,
Indara Digital Infrastructure

Antonia Wayne-Boyle, Intellectual Property and Technology lawyer at Clayton Utz, speaks to **Priti Pasupuleti**, Company Secretary and Senior Legal Counsel at Indara Digital Infrastructure, about what it's like wearing 'two hats' in her role and the importance of equity in the workplace and beyond.

ANTONIA WAYNE-BOYLE: Priti, could you explain your role and what a typical day looks like for you?

PRITI PASUPULETI: I'm an in-house lawyer and company secretary with Indara Digital Infrastructure.

For me a typical day starts with getting 3 children out the door and off to school or before school activities on time. Depending on the degree of success with that task (and the weather), I'll also fit in a run or swim before starting work. After this point, there is no such thing as a "typical day"!

Following a major acquisition last year, our business has changed enormously in the space of 10 months. That and the reality of wearing the two hats of lawyer and company secretary means that thankfully, no two days are the same. My work is a mix of ongoing projects and day to day advisory work, which broadly cover M & A, regulatory, IP, governance, general corporate and commercial.

We also have a busy board calendar, so there are days that are all about planning board or committee meetings, preparing agendas, papers, minutes and the like.

Some days can be full of meetings whilst other days are spent immersed in a contract, regulatory application, submission or board papers.

No matter how the day plays out though, it always involves connecting with my team and colleagues – my favourite part of any work day!

ANTONIA: What recent events in the Australian media and communications landscape have most affected your organisation/role?

PRITI: The first thing that comes to mind is not so much an event but a recent trend, which is the sell down of tower portfolios by mobile network operators (MNOs) in Australia and globally. The sale of such assets allows the MNOs to divert capex back to their core business whilst the infrastructure companies now holding the assets (such as Indara) can deliver maximum value to the community, access seekers and shareholders through a shared tower model and more efficient use of facilities.

Another major event on our landscape is the Federal Government's Mobile Black Spot Program (MBSP) to invest in greater mobile coverage for regional, rural and remote Australia and encourage multi-carrier sharing in these areas. Infrastructure companies have an important role to play in this program and providing connectivity to all Australian communities. Indara has recently been selected to construct a series of towers in a black spot area in Victoria under the Connecting Victoria Mobile Program. Another opportunity under the MBSP is the current Improving Mobile Coverage Round which will allow us to deliver service and competition to other unserved or underserved areas in Australia.

Last, but by no means least, is the increased focus on management of ESG risks which remains an important movement in our sector. Like so many other industries and sectors, ESG is a key driver towards shareholder value, customer appeal and competitive edge.

Indara's ESG strategy is shaping our goals and driving the way we do business, from setting clear and transparent targets to encouraging innovation and long-term thinking in achieving those targets.

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

PRITI: Building up your career is important but knowing your worth outside of work is crucial, regardless of age or stage in your career journey. It helps you achieve and maintain balance in your life which enables resilience and creativity at work.

This advice was given to me at the start of my career by a senior partner I worked for, who was close to retirement. Although his words struck a chord with me at the time, I think the true value of the advice was lost on me because it seemed like it would be so easy to put into practice. Over the years though, I've realised it's actually an active and deliberate process to remember who you are outside of your work and career!

ANTONIA: The 2023 IWD campaign theme is #EmbraceEquity. What does this mean to you and how might that be implemented in our readers' work and personal lives?



PRITI: Personally and professionally, I am thrilled about the 2023 campaign theme of #EmbraceEquity! Both equality and equity are important in a modern society and equality gets a lot of air time in conversations about women's empowerment, particularly in the workplace.

As someone with a profoundly autistic sibling, I'm acutely aware of how equality, with its objectively impartial approach, doesn't always benefit everyone in the same way. In fact, sometimes equality alone fails so much as to nudge the very barriers we are seeking to remove. It's actually equity, and addressing individual circumstances and challenges, that breaks down barriers and allows diversity to thrive in the workplace and beyond.

In a commercial sense, equity goes hand in hand with innovation – it's hard to imagine how an organisation can be innovative in every sense if it is not championing and practising equity. Similarly, it is hard to imagine a truly inclusive society without equity as a core value.

There is so much we can do, but I think the starting point to implementing #EmbraceEquity at work or in our personal lives is to remember that conversations about equality must also include equity.

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

PRITI: Surround yourself with trusted mentors and friends. Be real with each other about your goals and needs, but also your challenges and insecurities. This transparency is key to building trust and knowing how to best help each other. Also, be open to the advice received, particularly the tough love!

Sunita Bose

Managing Director, DIGI

Lewis Graham, Associate in the Technology Media and Telecommunications (TMT) team at Allens Linklaters, chats with **Sunita Bose**, Managing Director of the Digital Industry Group Inc. (**DIGI**), to discuss her career, Australian technology, media and communications policy, her advice to future digital leaders and International Women's Day. Sunita is the Managing Director of DIGI, a not for profit industry association advocating for the digital industry in Australia. She was previously the Head of Global Policy for the online petition platform Change.org, and before that served in a variety international and Australian advocacy and strategic communications roles at Oxfam and UNICEF.

LEWIS GRAHAM: Sunita, on behalf of our readers, thank you very much for generously providing your time to discuss International Women's Day and your observations regarding the technology, media and communications law and policy landscape. You have had a fascinating career to date. Could you explain your current role and how your career led you to this point?

SUNITA BOSE: I spent my high school years determined to study law and, after the disappointment of receiving a University Admissions Index 0.1 of a percentile lower than the required score at UNSW, I changed track and studied communications and government, and later a Masters in Policy. My career since has always been at the intersection of those areas, but in extremely different ways. The first section of my career was in the international development sector, working in advocacy and communications for UNICEF and Oxfam, advocating for better policies in Australia and internationally in a wide range of areas such as climate change and humanitarian aid.

The turning point was when I moved to San Francisco, and sought to explore the intersection of advocacy and technology, and started working at Change.org -- an open Internet platform that allows anyone to start a petition, so many of which have been hugely successful in advocating for major policy changes. At the same time, my role there, eventually as Head of Global Policy, was to build out all of their policies and systems to protect users' safety, in a wide range of areas such as hate speech, bullying, misinformation and data protection.

I loved that this online platform decentralised advocacy. The experience gave me a firm belief in the democratising power that an open Internet and access to technology can bring to empower people who might not otherwise have a voice, but also practical experience of how we can effectively address challenges that manifest online. After moving back to Australia, the opportunity to lead DIGI was the perfect way to bring that passion and my experience together in one role.

LEWIS: What does a typical day look like for you at DIGI?

SUNITA: DIGI stands for the Digital Industry Group Inc. We're a non-profit industry association that is working towards online safety, privacy, cyber security and a thriving Australian digital economy. We bring global, Australian, large and scale-up companies together behind that mission, and see ourselves as a key partner in Government efforts to address harmful content online, and make Australia a leading digital economy. So a typical day can include supporting our industry code development where we're setting standards for the digital industry at large; deeply understanding our members' approaches to these complex issues; and engaging with proposed regulation, where we advocate for approaches that are both effective in their goals and can practically be implemented by industry.

LEWIS: The past five years has been a dynamic time in Australia in relation to technology, media and



communications policy. What recent developments most occupy your thoughts?

SUNITA: One of the questions that I always ask when evaluating proposed regulation is whether the approach is holistic in solving the policy problem for Australians. This question is relevant across the range of policy issues we work across whether in consumer protection, privacy or online safety. DIGI is supportive of smart regulation for the online world, but you'll often see us advocate for effective digital policy alongside economy-wide or systemic approaches. Put another way, we'll often caution against tech-only tunnel vision. For example, DIGI developed and oversees the *Australian Code of Practice on Disinformation and Misinformation*, that commits major technology companies to safeguards against harmful misinformation and disinformation. We've worked to continually strengthen the code and see it take a significant step forward; but while major technology companies have critically important levers to pull, sustained shifts in the fight against mis- and disinformation rely on a multi-stakeholder approach across digital platforms, media, governments and the community.

LEWIS: Are there any legal reforms that you consider are urgent for the digital sector?

SUNITA: DIGI believes that reform of the *Privacy Act* is needed and the current open consultation is a key moment to level-up Australians' protections economy wide. Applying that holistic approach mentioned earlier, it is important to consider that today every company is digital. Australians should be given a clear expectation of their privacy rights no matter what service they are using. We would like to see stronger consumer rights emerge from this process, including giving people the right to erase their data, and stronger protections for minors online. But privacy reform is not going to be easy. That's because every business is different. How they all use data is different. Every consumer is different. Their privacy preferences are different. One challenge that a wide range of industries will face is that people expect personalisation, and relevant advertising, as well as privacy on the Internet. How we reconcile that complexity in one piece of regulation is going to require extensive consultation to get it right.

LEWIS: Being the Managing Director of DIGI during this era of dynamic change in the digital industry has surely kept you very busy. How do you unplug from work?

SUNITA: Unplugging is hard – and my two beautiful children force me to do that to some extent – but being a working parent is having two jobs around the clock. No matter how busy I am, one thing I force myself to make time for is daily exercise. Even if I have to wake up extremely early for it. When my daughter was a baby and not sleeping, counterintuitively, exercise woke me up to get through the day. Today, I find it gives me the energy and clarity of thought to tackle the huge mental load of each day.

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

SUNITA: Once you're through the door, open it for others. I learnt this many years ago from a former boss at Change.org, Jake Brewer, who became a close friend and mentor, who went on to work at the White House Office of Science, Technology & Policy. Jake is sadly no longer with us, which has made his words and actions leave even more of a lasting impression on me. As I had just moved to the US at the time and had a limited professional network, Jake would often offer me his seat at the table – as in, the opportunities that he was offered as someone more known and established. This helped me both externally establish a network in technology policy, and internally progress to leadership roles.

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

SUNITA: This certainly happens in Australia too, but one thing that struck me when I lived in the US was the extent to which women celebrate other women's achievements and lift each other up. There's no 'tall poppy syndrome' there. Celebrating other women, and surrounding yourself with friends and professional contacts who will do that for you, can cultivate confidence to overcome the imposter syndrome that can often hold us back.

Miranda Duigan

Principal Legal Counsel, Foxtel

Anjali Nadaradjane, Lawyer in the Disputes Resolution (Intellectual Property) team at MinterEllison sits down with **Miranda Duigan**, Principal Legal Counsel at Foxtel Group (**Foxtel**), to discuss her career and thoughts on International Women's Day. Miranda and her team have responsibility for providing legal support for all of the entertainment content acquisition and strategy teams across Foxtel Group.

ANJALI NADARADJANE: What inspired you to pursue your career path? Did you always want this job?

MIRANDA DUIGAN: I was always interested in the impact of the media – the importance of news and the power of film and television to tell amazing and inspiring stories. I studied media law and IP at the University of Melbourne, and from that knew that I wanted to work in those fields. I worked for a couple of large law firms in Melbourne and Sydney, which were fabulous places to learn, but when I saw an opportunity to go in house at Foxtel in 1998 I took it, becoming one of a small team of four lawyers (one of whom is still our Chief General Counsel today, Lynette Ireland). Foxtel was a young company at the time and an exciting place to be. I could see the potential of pay TV after living and working in the UK and the US during a gap year half way through my degree. From working at Foxtel, I was able to transfer across to the in-house team at Sky UK (known as BSkyB at the time) in London, which was again a huge learning experience both professionally and personally. When it was time to move back to Australia, Foxtel was the logical place. Like Sky, Foxtel had grown immensely and become a much bigger, multi-faceted media company, and is still an exciting place to be.

ANJALI: What are some of the most important lessons you have learned during your career? And what is one thing you know now about women and work that you wish you had known earlier in your career?

MIRANDA: Firstly, learn as much as you can about the areas that sit alongside and complement your role – for me this means program acquisitions, channel operations,

technology, finance and tax to name a few. Maths is your friend! The more you understand about the context around you, the better placed you are to see the bigger picture and to provide commercial advice that is valued by your stakeholders. Secondly – relish being thrown in the deep end. It will be uncomfortable but ultimately worthwhile. You can learn a huge amount from more experienced advisors who may be acting for the other side. Finally and most importantly – good relationships with people inside and outside your business are key to getting things done, and as we spend so many of our waking hours working, we should make it as enjoyable as possible.

Throughout my career I have been lucky enough to work with many women in leadership positions, each with their own management style. I have seen that there are different approaches to balancing family and a career and there is no right or wrong way to do this – you have to work out the best way for you in your circumstances. And don't assume that you can't take on work or a role that you think needs more experience, skills or time than you have. From my experience, employers are more flexible than you might expect.

ANJALI: Do you have a favourite quote or mantra that inspires and motivates you?

MIRANDA: My mother taught me to never say no to an opportunity, you never know where it may take you. Keep saying yes for as long as possible. Saying yes was how I ended up doing a secondment at Tata Sky in India (now Tata Play) for example, which was a life changing experience.



ANJALI: What developments and challenges are emerging in your field? How do you keep up with these changes?

MIRANDA: Keeping across the regulatory framework for media companies such as Foxtel Group is a constant challenge, whether it relates to privacy, advertising, anti-siphoning, Australian content requirements, consumer protections or international sanctions. I am lucky to be able to lean on the regulatory specialists within our legal team, and also on our external advisors, but individually we do have to keep up to date by using as many resources as possible.

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

MIRANDA: Marie Colvin, the incredibly brave foreign correspondent who was killed in Syria in 2012. She was an American journalist who worked for The Sunday Times in the UK, and was known for bringing attention to the suffering of civilians in the worst conflict zones from the 1980s until 2012. Ultimately she lost her life doing that. I would like to hear all her stories and how she found the courage to report from war zones where most others would not. The work that journalists do is so important and I think we almost take it for granted now.

ANJALI: Let's talk about leadership. What do you think is the most important piece of advice for women who want to pursue a career as a leader? What do you think are the best ways for young women to develop leadership skills today?

MIRANDA: I think the best way to develop leadership skills is by doing. Challenge yourself to step outside of your comfort zone to see what you are capable of and how you can bring people along with you. Also, leadership is not just about managing other people. Some of the best leaders I work with do not have anyone reporting to them. It's about how they go about their role and how they contribute. I was once told that authority is not given, it is taken, which I think has been good advice. This does not mean be a dictator but it reminds me that success is something that is created by your own design. Make your own way and back yourself.

ANJALI: How do you continue to learn (both professionally and personally) and expand your knowledge?

MIRANDA: I think one of the main reasons that I'm still working at Foxtel Group after such a long time is that we are constantly being challenged with new business models, products and technologies. Being in-house, we have direct access to people working in roles of all descriptions, across broadcast operations, strategy, content production, marketing, IT and content security to name a few. Every week I'm learning something new from them or from the industry in general. Foxtel Group also offers more structured learning opportunities such as coaching circles and training in specific skills such as public speaking. We also have regular opportunities to tap into the experience of our senior women via the Fox Squad initiative.

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

MIRANDA: I took a career break in 2009 and travelled around South America on my own, learning Spanish in Argentina and how to surf in Brazil. I had been working at Sky UK for about nine years and had

a fantastic role there, so I was very nervous about giving that up. I was pleasantly surprised though when my manager was prepared to give me a year's sabbatical. It taught me to keep in mind that there may be more options and ways of achieving your goals than you expect. And in the end, I think taking a break helped rather than hindered my career.

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

MIRANDA: I think that it takes a great team to create good leaders so find a role where you are surrounded by people who you respect and who can inspire you to do better. The pressure on media companies to operate efficiently is only going to increase so you will need to work out how to lead in a way that best leverages your skills and the people around you. As our industry will continue to evolve at pace, I would invest in building strong relationships and networks which will help you navigate those changes.

ANJALI: What are the ways you stay grounded and take care of yourself?

MIRANDA: Spending time with my family is the best way to come back to reality after an intense period of work, kids have a wonderful knack of helping you put everything in perspective (their perspective that is!). My favourite way to decompress is to go for a late afternoon swim at Bondi, or run (walk) around Centennial Park. My number one priority for taking care of myself is getting more sleep. However, this continues to be a challenge with the constant stream of amazing and addictive television to watch – an occupational hazard!

Sneha Balakrishnan

Head of Legal and Company Secretary, Shippit

Kate Mani, Technology, Media & Telecommunications Lawyer at Corrs Chambers Westgarth, chats with **Sneha Balakrishnan**, Head of Legal and Company Secretary at Shippit, about promoting women in tech, taking career-rewarding risks and reprioritising algorithmic content removal. With experience working in both private practice and in-house, Sneha is an experienced commercial, corporate, technology and IP lawyer who currently enjoys wearing both legal and commercial hats in her role with Shippit's global e-commerce and technology platform.

KATE MANI: What led you to become Head of Legal and Company Secretary at Shippit?

SNEHA BALAKRISHNAN: I have oscillated between private practice, in-house (entertainment/media law at production company Global Creatures and commercial/corporate at tech company Digital Alchemy) and not-for-profits (IP at the Copyright Agency and commercial/corporate at the Australian Institute of Company Directors).

I arrived at Shippit by a bit of a process of elimination. After having my three children I was looking for a fairly specific combination of intellectually challenging work but also flexibility and a parent-friendly environment. I hear you can get the latter in some private practices these days but I didn't feel I could at the time I was there. The flip side is that those parent-friendly jobs, while the hours might be decent, are often just plain boring, with no prospect of meaningful progression. As a mum it's easy to be pigeonholed and wind up thinking you have to exchange decent work for decent hours, but I just refuse to accept that! I'm determined to have both, which is why I gravitated to Shippit. As Head of Legal and Company Secretary I'm involved in a huge variety of interesting matters, there is really never a dull day.

KATE: From your experience working in law firms and in-house, what changes have you observed about the role of women in law during your career?

SNEHA: I think workplaces are starting to acknowledge that traditional structures and processes were just not designed with women in mind and that change is needed at a pretty fundamental level. When I first started out there was really only one 'acceptable' way of working and guess what, it was the way that suited white men with stay-at-home wives.

The legal profession, with its traditional emphasis on long hours and dedication to clients at all costs has, I think, historically been quite hostile to women. As these old structures change, more female leaders are emerging who then hire and mentor young women who become leaders and so forth. The numbers for senior women in law are still not ideal, but I'm optimistic that they will creep up.

KATE: As head of legal for an e-commerce / tech business, what does a typical day look like for you? What sort of legal issues do you grapple with in your day-to-day?

SNEHA: My work tends to be divided across bigger projects and day-to-day support of the various business functions. I grapple with contract negotiation, corporate governance, IP, consumer law, privacy law, cyber security, risk and compliance. What I have always loved about being in-house are the opportunities to get involved with issues that are not strictly legal. Often you wind up being one of a group of people in a room helping to solve a problem, wearing both a legal and a commercial hat. Being Company Secretary has also added a whole other dimension to my role. I have to say, I don't love the ASIC forms and



the administrative side of it, but it's great to be in board meetings and be across broader business strategy of the company.

One of the projects I have really enjoyed working on was Shippit's Without Waste mission. Shippit has a three year plan to power two hundred million deliveries without waste (part of its vision to create a network that brings people and goods together in the leanest way possible). It is a broad project and my part to date has been working with our carbon neutral partner to offset greenhouse gas emissions, including researching renewable energy projects in China, India and Turkey across various international standards and working on our carbon credit methodology. The 'legal' side of it was negotiating the final agreement with our carbon neutral partner.

KATE: What is a part of your job you like that many people wouldn't like?

SNEHA: Drafting! There's something so pure about it – I like the ritual of sitting at my computer with a coffee in hand and drafting away. Many people, lawyers included, dislike it, but I have always enjoyed using words and language.

KATE: What law reforms do you think are most needed in the e-commerce / digital platforms space?

SNEHA: Uniform content codes coupled with an overhaul of algorithms detecting inappropriate/hateful content. Basically, whatever it takes to stop social media platforms prioritising the removal of phrases pairing the words “men” and “trash” or “men” and “dodgy” over the removal of anti-Black, anti-Semitic, anti-transgender slurs. As a general comment, I do think lawmakers need to get closer to their constituency on tech-related matters. There is often an interplay going on for multi-faceted businesses which needs to be properly understood before proceeding with any reform.

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

SNEHA: I quit a (private practice) job on the spot, with nothing lined up and as the main breadwinner in my family with a small child while I was pregnant with my second. It was a scary time but in retrospect I'm proud of myself for leaving an untenable and male-centric model of working. I hope my daughters never feel they have to “tough it out” (or to use that awful phrase beloved by private law firms in my day “be more resilient”) in a system designed to exclude them. Needless to say, it all worked out in the end. It's easy to forget lawyers have a broad range of skills and are very employable.

KATE: What advice would you give to young females who wish to pursue a career in law in the tech industry?

SNEHA: Actually, I think young females get enough advice! Any advice is probably more aptly given to the men who currently run things (because men do run things – check out the stats on how there are more CEOs called Andrew in Australia than there are women CEOs) to include and promote women, especially in the tech industry where female leaders are thin on the ground. Sometimes that means re-conceptualising what it means to be a ‘good’ leader because when

you think about it, the qualities we normally associate with leadership are quite biased towards white men.

KATE: Who is one woman in the legal or technology industry whom you really admire, and why?

SNEHA: I was just reading about Kate Quirke, CEO of the Alcidion Group. Being the only female CEO on Australia's All Tech Index is impressive enough but what really struck me is how the female representation on the executive management team grew to 50% under her leadership. Alcidion's board is also one of a very small minority of ASX-listed companies to be chaired by a woman. Funny how talented women start popping up everywhere once a door is opened for them!

Parisa Hart

Barrister, 2 Selborne Chambers

Anna Kretowicz, candidate for the Bachelor of Civil Law at Oxford University (2022-23), interviews **Parisa Hart**, Barrister, 2 Selborne Chambers, to discuss Parisa's career and reflect on what it's like to be a woman in the law in celebration of International Women's Day this year. Called to the Bar in 2016, Parisa has practised in many areas of law but has significant experience in defamation and criminal law. She has appeared in a range of courts and tribunals, is involved in a number of legal committees and has published articles in BarNews Journal and the Australian Bar Review.

ANNA KRETOWICZ: Parisa, thanks for agreeing to be interviewed for the CLB's special edition on International Women's Day! Could you tell us, what does a typical day look like for you?

PARISA HART: No day is really the same - it depends on what I have to get done. If I have a hearing, I wake up earlier than my usual time, which is 5am, and continue working on the case. That includes a variety of tasks such as drafting written submissions, preparing a list of authorities, and making sure my personal notes and folders are in order and I am on top of everything necessary for the hearing.

If I'm not in court and don't have to prepare, I wake up at 5am and start the day with yoga or meditation. And then I check the overnight emails, prepare for and attend conferences, carry out legal research and draft documents such as written submissions, case analysis etc.

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

PARISA: Do your best in doing what you need to do and do not compare yourself with anyone. As Theodore Roosevelt said, 'Comparison is the thief of joy'. No matter what task I have, I choose to do my best with all the resources that are available to me at the time. I have found this advice very helpful as I do not need to be worried about things that are beyond my control such as having an opponent who is giving you a hard time or a judge who does not want to accept your argument.

ANNA: What developments do you see on the horizon in 2023 for the communication and media law landscape?

PARISA: This year will be a busy and dynamic year for media law reform. There are a few things on the horizon. Part A of the Stage 2 Review of the Model Defamation Provisions will commence on 1 January 2024. Drafting of the Part A reforms is to be finalised in the first half of this year. These reforms will help to clarify the liability of internet intermediaries and are aimed at shielding Facebook page administrators such as individuals and media companies from being sued for defamation over posts

made by third parties. Also, it is worth mentioning that submissions on the Part B of the Stage 2 Review will consider whether absolute privilege should be extended to cover reports of alleged unlawful conduct to police and employers and will be available for final agreement among the States and Territories this year.

Furthermore, the Commonwealth Attorney-General has announced that there will be amendments to the Privacy Act. These will revolutionise the Privacy Act and have a significant impact on the communication and media industry as well as other industries. These reforms may introduce 'right to be forgotten' laws which have already been enacted in Article 17 of the General Data Protection Regulation of the European Union. It will provide individuals the right to request organisations to erase their personal information permanently and without undue delay, in certain circumstances. A statutory tort of privacy will also be considered in the forthcoming reforms which would give individuals a direct right to sue organisations if their privacy has been breached.

ANNA: And relatedly, I'd be really interested if you had any experience with the amendments to the defamation laws. Do you think those reforms have been useful? Would you recommend any further changes?

PARISA: Dealing with a serious harm threshold and concerns notices under sections 10A and 12A and 12B are the most common experience for all practitioners in this area. In my view, the introduction of a serious harm threshold has had mixed effects. While it discourages the commencement of trivial cases, it can cause delay and confusion in some matters and is not cost effective for either plaintiffs or defendants. The defamation reforms have been useful clarifying the language in sections 26 (contextual truth) and 35 (damages). The introduction of public interest journalism in section 29A is considered one of the most significant reforms but there has not been much guidance or many cases in Australia yet. So we do not yet have a full picture as to how this section will apply. It will be interesting to see whether this section will make a



difference compared to the statutory defence of qualified privilege in section 30 and whether it will provide the protection anticipated in some quarters.

ANNA: How do you unplug from work?

PARISA: I exercise regularly - a combination of walking and going to the gym. I really enjoy group classes offered at the gym that I attend. Those classes include sweat, yoga, pilates and meditation. I also enjoy reading health and well-being, inspirational and scientific books and journals. Chilling with my cat Cuddles is another wonderful way to unplug.

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

PARISA: There are so many remarkable women who have made the world a better place through their courage, resilience, and vision. However, choosing one now, I would have dinner with Oprah Winfrey. She is unstoppable and things such as a tough childhood, race and gender did not hinder her pursuit of her dreams. She is a philanthropist and has helped and inspired many women throughout the world.

ANNA: What advice would you give to the next generation of female barristers?

PARISA: Be resilient and do not let anyone hold you back on the grounds of your gender. Just be yourself and move beyond your social conditioning and face stereotypes with awareness - but also, accept who you are. In my first year of coming to the Bar I was told by few people that I was 'too pretty' to be a barrister. Regrettably, one of those people was a female solicitor who I met at a function. While those remarks were not welcoming and I found them hurtful at the time, they did not stop me accepting who I am. I realised that I was not going to change how I look, I would strive to be a good lawyer and not let remarks about irrelevant things get in the way of my professional development. Therefore, I advise female barristers not to take derogatory comments personally as it is not about them, it is about the person who makes them.

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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
- Contempt
- Broadcasting
- Privacy
- Copyright
- Censorship
- Advertising
- Film Law
- Information Technology
- Telecommunications
- Freedom of Information
- The Internet & Online Services

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

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

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

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