



Profile: Sally McCausland

Owner of McCausland Law and Senior Fellow in the University of Melbourne law masters

Leah Jessup of the CAMLA Young Lawyer's Committee interviews Sally McCausland

Where do you work and can you tell us a little bit about your role?

Last year I started McCausland Media Law which is an entertainment and arts law practice. My legal work is across a range of clients in production, broadcasting and digital, theatre, arts and education, and I also do some copyright and other policy advice. When I set it up I decided that my work would be completely mobile and digital. I'm flexible with where I work and how. In my previous role as Corporate Counsel at SBS I was often going to client meetings, emailing or taking after hours calls. I realised that I didn't really need an office in the traditional sense. I don't really need to print anything. It's environmentally better and more efficient. It also means I can do occasional locum work quite seamlessly, as I've done recently at the ABC.

Where have you worked previously and what led you to your current role?

I have always been interested in the arts, in intellectual property and in journalism. While at a big law firm I got to work in IP and media. I then did a secondment at Seven Network and decided after that that I wanted to be in-house working directly with clients.

After that I went to the Arts Law Centre as supervising solicitor. It was a good way of learning more about our creative industries and how to find practical solutions for people with limited resources.

Then I went in-house at SBS. When I joined SBS it was just Lesley Power (General Counsel) and me. Lesley is a brilliant media lawyer and incredibly generous and friendly too. When I started, the SBS website was pretty basic and the online team worked in a dungeon. But over the years the digital side of the business grew and so did the legal team. During my years at SBS I got to work across many areas such as content compliance, sports

contracting and fair dealing advice, policy submissions, commercial contracts, corporate governance and social media training. It taught me to be versatile and practical dealing with whatever queries came in every day from any level or area of the business.

Your previous roles have been very varied – pro bono, public broadcasting, corporate firm, judge's associate, lecturer and policy adviser. What advantages have your experiences across all of those roles given you and would you recommend that young lawyers be open to taking up a variety of roles and experiencing different aspects of the profession as you have?

Certainly I would encourage young lawyers to experience and enjoy different things. Having various roles has allowed me to get an idea about what I want out of work and keep developing new skills, rather than being pigeon-holed.

Trying different things can also lead to new opportunities. For example, in-house roles can be great as pathways to non-legal management or policy roles and you'll find that your legal skills will be really useful in those other roles.

What do you consider to be some of the most interesting and challenging aspects of your career so far?

A career highlight I have to mention was when I was a junior lawyer and my firm was appointed as advisers to sellers of pirated t-shirts at a Rolling Stones concert. I, along with some other juniors, had the job of standing outside the concert, approaching sellers, informing them that they were going to be served and offering them legal advice. I have a distinct memory of running across a busy road after a man who'd been selling t-shirts and who was loudly and angrily rejecting my offers of help. That was fun and what was even more fun was that we had access inside the

concert. I almost touched Mick and got my ribs slightly crushed in the process. Many years later I've had to explain to my physio why my rib cartilage is a little damaged. But it was worth it. Other career highlights have included working on the FIFA World Cup and Eurovision for SBS and doing artist workshops in the Tiwi Islands for the Arts Law Centre.

I'm always interested in what my clients are doing and the different worlds they come from. I love being close to the creative process. I think that journalists are really brave in what they do and that their work is important. And I love working with sport people because they are the happiest clients - they know they are living the dream.

My biggest challenge is time management. Ultimately my job is flexible. Sometimes if it's a beautiful day outside my husband and I will go off for a quick swim in the middle of the day. At SBS I got used to managing many different clients every day and so I'm now used to doing many things at once.

You have completed a Masters, in which you explored the legal protection of Indigenous art. How did you find juggling study and work and would you recommend that young lawyers consider pursuing a Masters?

I travelled to Canada to study my Masters after a few years working and became a student again in a share house. I had great fun going skiing on weekends and learning about bear safety while camping. My Masters looked at the laws involved in protecting communal Indigenous artworks from unauthorised exploitation. I also took subjects such as free speech regulation under the Canadian Constitution which has informed my view that Australia needs a bill of rights.

If you can afford to study and want a new focus or a break a Masters can be fabulous especially if you get to live somewhere different. I was lucky to get a fellowship which covered expenses. Studying was great fun but it is also a lot of work so you need a reason for doing it. I was really glad that I did it as my Masters led me to a job working with Indigenous artists at the Arts Law Centre when I returned to Australia. My Masters gave me an interesting perspective and led to things that I would not otherwise have done.

What are some of the big legal and regulatory issues facing your industry?

I think a big issue facing the art and entertainment industry is the digital copyright balance. The Productivity Commission and the Australian Law Re-

form Commission have suggested US style fair use should be introduced and this is causing a lot of concern for creators. We have small and vulnerable creative industries that really depend on copyright income. However, there are others who want more flexible use of copyright material for innovation as they see happening in the States. So there is a tension which government is being asked to resolve.

Another pressing issue is the need to develop fit for purpose defamation laws for social media. Today every person is a publisher and every business and publisher has to be on Twitter and Facebook. Yet the defamation laws are still Dickensian and badly adapted to current conditions.

Social media is also causing privacy concerns and I think it's inevitable that privacy law will evolve. But the model needs to be adaptable to solve a range of different problems and there needs to be a balance when free speech issues are in play.

What are some tips for young lawyers looking to work in this area of law?

I'd recommend that young lawyers expose themselves to a broad range of experiences early on so that they can see what they like. I'd also encourage young lawyers to think about how the profession may change in the future. Work is becoming more flexible and using only a laptop and mobile I can work flexibly with clients and around my life. The profession and courts are moving in that direction and becoming more digital. The days of commuting to an office full of paper next to the photocopier and fax machine are ending.

Young lawyers should also find themselves a good mentor. I have actively researched and sought them out during my career. Seek out the respected leaders in your field and don't be afraid to approach them. You can learn so much from just being around someone who you admire and makes you happy to be around.



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