



Profile: Christina Allen

General Counsel of Fox Sports Australia

CAMLA Young Lawyers representative, Eli Fisher, recently caught up with Christina Allen, to discuss her role as General Counsel of Fox Sports Australia and her views on the key issues facing the industry.

Christina, on behalf of the readers of the CLB, thanks for making the time to speak with us. Perhaps let's start with where you work, and your role in the organisation?

I work at Fox Sports Australia where I have a few different roles within the organisation. I am the General Counsel which means I am the leader of the Legal & Regulatory team which consists of 8 lawyers including myself and a secondee from one of the law firms we use. The team looks after a very broad range of matters including sports rights contract negotiations, music licensing, responding to customer feedback, employment law, contracts for on-air talent, production, outside broadcasts and our technical infrastructure as well as regulatory compliance. I am also the company secretary of Fox Sports Australia and its subsidiaries which involves attending board meetings, preparing board papers for our board and overseeing the company's corporate compliance program. I am also a member of the company's senior executive team and the Legal & Policy Committee for ASTRA, our industry body.

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

It's been quite a while since I have worked anywhere else. I joined Fox Sports just before the start of the Sydney Olympics in 2000. This was the perfect time to start a new job at an Australian sports broadcaster as I spent the first month attending various events and functions for the Games which was very exciting. When I first started at Fox Sports, my title was Corporate Counsel and then I was promoted to Manager - Legal & Business Affairs in 2003. I became General Counsel and joined the executive team in July 2011.

Prior to Fox Sports, I had a brief 12 month stint as the first in-house lawyer in Australia for Encyclopaedia Britannica as they planned to re-invent themselves as the "thinking person's" Yahoo! Sadly the dot-com crash hit in April 2000 and many of the staff that had been employed as part of this quest were made redundant including me. Nevertheless it gave me my first taste of working in-house and I haven't looked back.

I started my legal career at Tress Cocks & Maddox (now known as Tresscox) initially as a paralegal and then solicitor in the Insurance & Commercial Litigation team. I couldn't see myself being a great litigator so I begged my supervising partner at the time to let me transfer to the Entertainment & Media team as I had a strong desire to pursue my career in this area, as it was a dynamic and emerging area of law at the time. My boyfriend (and now husband) also worked in the entertainment industry so I knew a bit about it. I worked on various matters for clients in the music, film and television industry including

Fox Sports, EMI Music Publishing, XYZ Entertainment and East Coast Pay TV. That's where I first met Patrick Delany who is now my boss today.

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

What I love about working at Fox Sports is that you never know what is going to come across your desk each day. Even after 15 years, I still have matters come up where I say "wow, we haven't done this before" and I need to think outside the square about how we can make it work to meet Fox Sports' commercial and operational objectives while still ensuring that we have a legally compliant framework in place.

Often this has to happen within very tight timeframes as was the case with perhaps the most interesting and challenging matter of my career to date - Fox Sports' recent deal with the Australian Rugby League Commission for the NRL rights which was announced in late November. This involved a number of sleepless nights for me and my team as we bunkered down in the offices of Clayton Utz to negotiate and paper the deal in a very short space of time. Fortunately we also had the support of Gavin Smith and his team from Allens who pushed through with us right to the very end. It was an incredibly intense time for all parties involved but also very rewarding for me and my team to have played a part in securing the biggest sports rights deal in Fox Sports' history.

As with any in-house role like mine, I also look after a range of legal issues that are not related to sports rights or media law. Employment matters come up regularly for me, especially as a member of the senior executive. Another example of a somewhat left of field matter for me involved Fox Sports' construction and relocation to a new building a few years back. I am no expert in construction law, but I had to oversee the legal aspects of the construction of our new building and broadcast facility in Artarmon. I spent many hours locked in board rooms where I was the only female negotiating with the builders and developers and their lawyers. That was certainly a challenge as not only did I not know much about construction, planning and development law and contracts, but I was also heavily pregnant at the time!

Transitioning from a manager of the legal function to becoming the leader of the legal function has been, and continues to be, another interesting challenge. We have recently had 2 new lawyers join our team which means I can now let go of more of the day-to-day legal and transactional work that I have done for a very long time and focus more on the strategic function of General Counsel

by working with my team to ensure that they are a high performance, strongly-engaged team that is able provide true value to our business.

Probably most challenging of all in what I do however is being a full-time working mum with two small children - I could not do what I do in my role without the support of my husband. I just wish he would learn how to stack the dishwasher properly!

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

I cannot answer this question without mentioning the anti-siphoning scheme under the *Broadcasting Services Act*. I've lived and breathed it for 15 years. Fox Sports obviously accepts that there needs to be some sort of scheme; but it does need to be reformed given that the broadcast sector is undergoing significant transformational change. The reforms should be wrapped up in the reforms to various media laws that are currently under consideration. Sensible reform in the area will level the playing field for all participants in the industry (by which I mean the entire Australian media industry, not just pay and free-to-air TV.)

Another issue is online piracy. It is essential that we make sure that Fox Sports is able to take advantage of the recent changes to the *Copyright Act* that have been implemented to combat online piracy. But much of the battle in combatting online piracy doesn't necessarily take place in the Courts. We work closely with various sporting bodies to work on ways to protect the rights they grant to us, and there still remains a fair amount of advocacy work to be done in the policy area. The new site blocking provisions will be useful to a degree, but the protection of live sports from piracy raises different issues to the protection of, say, pre-recorded television shows, music or movies - and we need to be very active in the copyright policy space to protect the live sports content in which Fox Sports invests heavily to not only acquire but also produce.

Are you naturally passionate about sport, or is it an area that you fell into?

I've always been interested in sport. I have 4 older brothers who are all very passionate about sport, particularly rugby union, cricket, surfing and skiing - so I really had no choice but to develop an interest in sport growing up. But honestly, when I first started working at Fox Sports it wasn't an all-consuming obsession like it is for many people I work with. In fact, I was actually a little apprehensive about specialising in sport, because my interest in media law was broader than that. But I'm very glad I did. And, as it turns out, a range of other sports have come to grow on me over the course of my time here. I now feel that having a passion about sport is a key criterion when recruiting new members to join my team. Sport is what we do; it's the essence of our business. And a good lawyer at Fox Sports will have a keen understanding of how sport works, and how it is consumed.

What challenges does the current multimedia and digital environment create for FoxSports?

One challenge is the increased competition for sports rights, both from the FTA broadcasters and from emerging online players. The FTA broadcasters have become more active in acquiring sports rights as they are able to now utilise their multi-channels for events that they would not normally show on their primary service. And, with regard to emerging online players, the recent acquisition by Optus of the rights to the English Premier League is an interesting play, as it clearly highlights the importance of live sports programming in order to become an active

player in the digital content space and drive customer growth for the rest of their business. I suspect we'll see lots more of that from these online players in the near future.

These developments also present another challenge for Fox Sports - we constantly need to keep ahead of advances in technology and innovate the way we deliver content to our customers - which is obviously essential for a world-class broadcaster to differentiate itself from its competitors - but we also need to navigate how the law applies to those developments, which can be difficult in a cutting-edge environment, especially as the law always seems to be lagging behind. The traditional distribution business models and how they are regulated will not be sustainable in the long term future.

What are some tips for young lawyers looking to work in media law?

First and foremost, I would say, if you are looking to work in media law in particular, then persevere, and be bold. If you're currently in an area of law that you can't see yourself working in for your entire career - like I was - then pick a firm or a company that you would like to work for. Don't be afraid to make contact with the General Counsel or a particular partner with whom you want to work. Persistence generally pays off - contact them on LinkedIn, and make yourself known and they might even agree to have a coffee with you.

If you're lucky enough to score an interview for your dream job, do your research and be enthusiastic about the business and what they do. This is true, of course, for individuals looking for all sorts of roles. But when you apply for a job at a media organisation that specialises in a particular area, you absolutely need to love and understand their content. Sport is what we do, so being passionate about sport (and not just about media or IP law) is fundamental. The same applies with news, movies, music and so on. Become familiar with the developments in the industry. It's such a vibrant and dynamic field, so just reading the newspaper on a daily basis - and following news about regulatory changes, media reforms, rights acquisitions and the like can be really important.

And finally, a word of warning, working in-house in media is not always as glamorous as you might think. Yes, there might be opportunities to take a selfie in the back of a limo on the way to the AFL Grand Final (note my photo!) or to stand on the hallowed turf of the Sydney Cricket Ground sipping a glass of bubbles while you watch your name flash up on the scoreboard at a gala employee recognition dinner - but in order for those opportunities to arise, there will be work that you will need to do that is just not that interesting or exciting, just like working for any other company. So once you score that great job in-house be prepared to roll up your sleeves and get your teeth stuck into whatever work may come across your desk, no matter what the subject matter. You will be rewarded for it in the long run.



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