

Profile: Bruce McWilliam

Commercial Director at Seven West Media and Seven Group Holdings

CAMLA Young Lawyers representative, Michael Boland, recently caught up with Bruce McWilliam to discuss his role as the Commercial Director of Seven, some of his career highlights to date, and his thoughts on the trajectory of the broader media industry.



MICHAEL BOLAND: On behalf of the CLB readers, thank you for taking the time to speak with us, Bruce. Your current role is the Commercial Director at Seven West Media and also at Seven Group Holdings, the holding company of the Stokes Group which has diversified interests including Caterpillar WA and NSW and Coates Hire, as well as holding 40% of the media company.

Can you give us some insight into what exactly your role entails?

BRUCE McWILLIAM: It is a very interesting role for a very active group that is always engaged in transactions of some kind or another. We have a lot of rights that need enforcing or clarifying so there is always plenty going on. I am lucky to have the support of an excellent legal and regulatory team and we carve the work up broadly in terms of everyone's specialties, although in a small team everyone is to some extent a generalist as well.

I'd like to think that we provide focused and commercially based advice to get to the most effective outcomes at the least cost, so that the various business units think of us as a resource rather than a hindrance. It can't be left unsaid that we do have a principal shareholder who has enormous insight and is very experienced and involved in the business, and we have the benefit of his thoughts and guidance on all aspects, together with two focused and successful chief executives and their teams.

BOLAND: Going back a little now, what initially drew you to the law? When you first set out in the profession, what were you hoping to achieve?

McWILLIAM: I always wanted to be a lawyer and was attracted to being a solicitor rather than a barrister, as I thought the bar would be more isolating. I do have quite a few friends who went to the bar and they all did very well and I often

brief them. Some have gone to the bench and even the High Court. I always liked the interaction of the practical aspects of practice with the academic side of law, and used to lecture part time at Sydney University Law School in my early days which I found rewarding.

I started working part time at a law firm as soon as I could. Initially at Minter Simpson, which I greatly enjoyed, and then at Allens. I was always impressed by the excellence and dedication of the partners I worked for and the respect they commanded from their clients. The first guy I worked for remained a friend all my life and tragically recently died. But working for him was a wonderful Mad Men type of existence in the late 70s. He used to start work at 5 am and at 1 pm we'd take clients to lunch where a great time was had by all at the San Francisco Grill and other establishments. His secretary would have finished all his dictation and documents by the time he returned so he could polish them and distribute them to his clients. Allens was more sedate in some senses but the quality of both the work and the other lawyers was quite inspiring and I have many friends from there to this day. Quite a few Allens alumni also came to News Corp over the years and one is now the head of the ABC.

One thing I have been fortunate in, in my in-house roles, has been the quality of the external advice that I have had access to. I have always tried to deal with the best, rather than receive advice from faceless teams. If you have an expert helping you then the hourly rates give you a great outcome and you get the benefit of first class advice. The ability to deliver that quickly is a huge advantage.

BOLAND: How did your progression into media law and the media industries evolve? Was this always your plan?

McWILLIAM: I was always interested in media but actually got into it by chance. The partner at Allens I worked for was Kerry Packer's principal lawyer

so I started off doing Consolidated Press work at an early stage of my career. I always say that when I first met Kerry Packer I didn't know who he was except that I'd seen him interviewed on Parkinson! We were thrown in head first and as a result we learned a lot. I often wondered what the client thought of it! However I found it very stimulating and it was always sharp and quick work with no tolerance for slowness or indecisiveness which was a good discipline. The work was across many areas and all the people in the business were fascinating and good at what they did.

I quickly met Sam Chisholm who became a major source of work from Nine Network, and also from News Corp when he left to join Rupert Murdoch. Although I had known him at University, I also re-met Malcolm Turnbull, who joined Consolidated Press as General Counsel in 1982 from the bar, when that title and role seemed very American. Anyway Malcolm excelled at it and made his role a central one for the group. His interactions with Packer were unique. He also did a brilliant job in defending Packer against the Costigan Royal Commission, which was a misguided diviner of supposed criminal conduct and general wickedness and wasted vast sums of public money as well as needlessly ruining a lot of good people's lives. I gained enormous respect for how Malcolm calmly batted back every missive from the Royal Commission and took them on at their own game. At one point he issued a press release denouncing the methods of the Commission (which entailed a lot of leaking and little regard for confidential investigation). It was a hairy time but it turned out well and we learned a lot. Malcolm impressed me because he helped a lot of little people along the way who otherwise would probably not have been able to stand up to what they were unfairly accused of. It was McCarthyism at its worst. We must always bear in mind that the one-way exchanges demanded by Royal Commissions mean that nuanced answers count for little. You take legal protections for granted and as lawyers you have to be alive to when people try to circumvent or override them. That's what you mustn't forget about being a lawyer, that you can protect people. The rule of law is very important.

After Kerry Packer sold the TV stations to Alan Bond – facilitated by the change in the media laws – that also set us off on the trail of a lot of interesting work. In 1991 Chisholm asked me to go to London with him as he was made CEO of BSkyB, then a big loss-making operation and News Corp itself had only just come through a

massive restructuring forced on it by the credit crunch and the demands of its huge banking syndicate. I enjoyed meeting with the English lawyers, such as at Allen and Overy and Herbert Smith. AO were brilliant banking lawyers who could use the considerable tools at their disposal to create simple structures which assisted the client wherever possible. Herbert Smith helped BSkyB play an early competition card which opened up a great commercial outcome. Later on, those awful EU strictures were turned against BSkyB - which the EU treated as a monopoly even though it was dwarfed by the huge European conglomerates. I always regarded the EU as a joint French and German attempt to screw the English!

The great thing about English lawyers is the confidence of the very good ones. I met some amazing barristers like Jonathan Sumption (now a leading judge) and George Carman who performed magnificently in summary judgment applications and were invaluable when you couldn't avoid litigation (and priced accordingly). They had shades of Rumpole of the Bailey, and their exploits were beloved of the tabloids. Incidentally I have always found our local solicitors and barristers to be just as good, even if less flashy.

When BSkyB successfully floated on the London and New York stock exchanges, News took over pay TV companies in Hong Kong, China and India, and then set about entering the European sphere, which brought Rupert Murdoch into contact with a lot of red tape and vested interests. That's what I've always admired about him, his ability to go into new fields and countries. Some of the media entrepreneurs of Europe were also fascinating people, very often pioneers, and always colourful. One became Prime Minister of Italy, another went spectacularly bankrupt when the banks unfairly foreclosed on him in 2002, but then he successfully turned the tables by winning a big action against the bankers.

BOLAND: Your career has placed you at the centre of very significant developments in the media both in Australia and overseas. What are some of the key learnings you've taken away from your experiences?

McWILLIAM: I have been very lucky in having worked for Packer, Murdoch and Kerry Stokes, and a lot of their top executives who were on top of their game. I always admired the mastery that the proprietors have over their businesses and the fields they operate in and the controlled risks they are prepared to take. You also meet a lot of

fascinating people in their counterparts they do business with. Their drive to succeed makes it very satisfying to be on their teams. Reporters and content producers are also dedicated and professional and it is our job to help them operate and succeed in their fields and achieve their best. In a small industry, you run across the same players time and time again so your enemy on one thing can be your valued ally on another, sometimes at the same time. Relationships are important and it's good to know when you can rely on people.

BOLAND: How would you describe the service you provide, and how would you describe the essential characteristics of a great lawyer?

McWILLIAM: You have to stay calm under pressure and not allow yourself to be compromised. Try to reduce things to simple elements. You have to know what your client wants to achieve and get them there with a minimum of fuss. At the end of the day media is an exciting field but it involves the same elements as any other legal problem in any other business. As I've said, I have been fortunate to work with some gifted professionals, lawyers and barristers. You need have to have a good network of specialists who can be counted upon to deliver at short notice.

BOLAND: Gazing into your crystal ball for a moment, how do you see the future of the Australian media landscape? What are some of the most urgent challenges?

McWILLIAM: People will always demand and flock to great content and information. The media landscape has always been full of challenges. Sam Chisholm said to me that Hollywood has always been successful at farming/exploiting the latest technology without loosening their grip on existing technologies and platforms. If you take newspapers, throughout history they have very often lost money, so they provide a service in many ways. I know proprietors don't try to incur losses, but the internet has created a lot of disruption, in media as well as a lot of other industries. Viewers aren't content to turn on a single channel now, they want to have seamless access to a lot of sources whenever they want. But there is still premium programming like news and sport, which, despite the plethora of ways of receiving it, is the most valuable live content and in that sense nothing changes, except perhaps the way you consume it. You have to be able to show viewers that you will meet their expectations and you have to show your advertisers that you will deliver it to wherever their customers are.

BOLAND: Are those challenges overwhelming, or are they simply opportunities for growth?

McWILLIAM: Hopefully opportunities for growth, although the cost pressures entailed in premium rights are enormous and squeeze margins. At the end of the day a media outlet has to provide their customers with what they want when they want it. And it has to facilitate the same access for its advertisers. The great tech platforms seem to exist outside the tax and regulatory hemisphere in many ways whilst harnessing huge cashflows, so it often doesn't seem like an even playing field – however, who listens when you complain!

BOLAND: What are your tips for young lawyers with a special interest in the media?

McWILLIAM: Go to a good firm and get as much experience as you can. It doesn't have to be a big firm, there are some amazing small players with niche practices. If you've got time to do a Masters in a specialised area - that is often a good entry point as it makes you someone your firm can put forward when an issue in your skillset arises. Remember you're a lawyer and you will only be of interest if you can bring those skills to the table. Avoid telling people what they want to hear, but by the same token try not to be too much of a handbrake. But there are so many angles for young lawyers to gain exposure whether it be privacy law, data, copyright, contracts, financing, corporate, securities, defamation, structuring, tax, etc. The internet brings its own challenges with take down issues and liability for third party posts. You can't drop your standards, so very often on, say, a rights or exclusivity point, you'll find a lot hangs on the correctness of your advice. Tools like iPhones make it easier to carry out your job no matter where you are, and everyone demands instant turnaround. Write articles for publications as that's a good way of pushing your profile and adding to legal knowledge. In our industry it really is an around the clock role as that's the level of service that's expected of you, but you won't get any prizes for being wrong.



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