

# Profile: Peter Campbell

Partner in the Adelaide office of HWL Ebsworth

Ishan Karunanayake is the principal of Ishan Law, and a member of the CAMLA Young Lawyers committee.



**ISHAN KARUNANAYAKE: Where do you work, and can you tell us a bit about your role?**

**PETER CAMPBELL:** I am a partner in the Litigation Division of the Adelaide office of HWL Ebsworth. I specialise in media and communications, intellectual property, competition and consumer law and privacy. Those areas are all complementary. I am privileged to act for most of the major media organisations in Australia, particularly television networks and newspapers (print and electronic) as well as a number of international media clients. We do the full range of media work for those clients (eg, pre and post publication work, defamation, contempt, appearance on suppression hearings, copyright issues, code complaints and regulatory matters including content and ownership issues). We have also been heavily involved in law reform issues on behalf of our clients, Free TV Australia and the Law Council and made a large number of submissions and appeared at many Parliamentary hearings. Our “legal lobbying” efforts have been successful in ensuring that proposed legislative and regulatory reform has been far more media-friendly than would otherwise have been the case. We also do a lot on the entertainment side of the media industry, including production, finance and distribution arrangements for dozens of feature films, television series, documentaries and other projects and negotiate and document international content licensing and syndication deals.

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

**CAMPBELL:** I have previously worked in the same legal areas at Fisher Jeffries, Minter Ellison and Kelly & Co. (which became part of HWL Ebsworth in 2014). I have been fortunate to do a significant amount of media work at all those firms. The media work started from the very first day of practice when I would regularly go to the news room of one of our television network clients and give advice about their stories as they were being edited or, in some cases, during the news broadcast itself. It certainly honed the decision-making skills. I had considered pursuing journalism as a career so was very happy to be heavily involved in the media industry from a legal perspective. When I appeared at suppression and other hearings for the media, one of the senior criminal barristers in SA (acting for murderers, rapists and child sex offenders) used to say she couldn’t understand how I slept at night acting for the clients I acted for - I think I chose the right side.

**KARUNANAYAKE: What are some of the big legal and regulatory issues you see facing your clients?**

**CAMPBELL:** The industry has changed so much since I started media work 33 years ago. The fragmentation of the industry and the dilution of advertising revenue has placed a lot of pressure on resources for clients. At the same time, the media is expected to deliver content on an instantaneous basis across several delivery platforms and is being constantly burdened with additional legislative and regulatory obligations and restrictions. For example, from a news reporting perspective, there are more and more obstacles to Court reporting and we have been seeing de facto privacy restrictions being introduced into all sorts of other legislation (eg, surveillance devices, filming offences etc) which interfere with normal news-gathering activities. I think there needs to be a recognition of the important role played by the media and consideration given to finding ways to protect that role.

**KARUNANAYAKE: How have you found the culture of the legal profession in Adelaide to be different to other states?**

**CAMPBELL:** I am fortunate in that I get the opportunity to do work right around Australia (and overseas) but it is great to be based in Adelaide. The local legal profession is still small enough to mean that you know (or know of) most people and often that means it is a bit easier to get things done as you are likely to have had a number of dealings with the person on the other side of the proceedings or negotiation. I had a media lawyer from London working with me for several years and, early on, he operated the same way he had in London where it didn’t really matter if you burnt the lawyer on the other side as you probably wouldn’t ever deal with them again. He soon learnt that didn’t work in Adelaide. Given it’s a fused profession in SA, I find that most of the lawyers will handle the substantive issues themselves and won’t feel the need to run off to counsel each time.

**KARUNANAYAKE: What is a typical day in the office like for you as a partner at HWL Ebsworth?**

**CAMPBELL:** In accordance with morning tradition, the corridors are strewn with rose petals as my team members carry me in my sedan chair to my office. Other than that, every day is very different. We always have a number of defamation proceedings for our media clients running at any particular time. There will be all the usual urgent pre-publication work throughout the day (and night). The rest of the day will be a mixture of advice

and letters on some of the plaintiff defamation work we also do, appearance at suppression hearings and other applications, liaising with the Courts and other authorities and agencies to obtain materials needed by our clients, reviewing advertising and other content for advertising and PR agency clients, responding to ACMA on various issues and work on production or entertainment projects in which we are involved. That is about a half of it. I love the diversity and immediacy of what we do and I am very lucky to have such a great local team and great media lawyers in our other offices.

**KARUNANAYAKE: How has your work with your TV and media clients changed over the years as content and its delivery has moved online?**

**CAMPBELL:** Everything has changed so much with technology. We used to spend a lot of time at clients' premises. I used to get print-outs of articles sent to me at night by taxi. I had a pager for years. Now I can deal with pretty much everything on my phone. From a client's perspective, they had a news cycle which allowed them to plan their reporting over a day. The Sunday papers would often bury stories for days to preserve them. Now, everything is for immediate publication. That introduces new issues and means reporting is an evolving process. Media organisations trying to engage with their online viewers/readers/listeners makes sense but adds an extra legal element when those viewers/readers/listeners express extreme views. Social media and the idea of every member of the public becoming a publisher has had a profound change.

**KARUNANAYAKE: What are the most interesting and challenging aspects of your role?**

**CAMPBELL:** I really enjoy the way a story will build over the course of a day or two and the advice we give and the way in which we can assist our clients will change over that time. The role has always demanded immediate service but, with reporters under pressure to post asap, the time element has become increasingly important. Trying to find answers to complaints or crafting defences to claims is always interesting and challenging. There is also unpredictability - having to front up on a blistering hot New Years Day after about one hour's sleep at the taping of the first episode of E! News in Australia so I could be interviewed to 'review' the Pamela Anderson sex tape was an unexpected surprise. I love appearing for the media in Court when the opportunity arises - I was counsel in a trial on my second day of practice - the client asked how often I appeared in Court and, not wanting to appear too green, I said 'about every second day'. We won so I thought my answer was fair enough.

**KARUNANAYAKE: Why did you choose to stay in private practice, versus moving in-house or an alternative career?**

**CAMPBELL:** Private practice allows me to have a direct relationship with the client and ensure I understand the commercial issues involved in what we do. I love being able to act for lots of clients in lots of areas and having lots of different things come through the door every day. I did step out of the partnership into an in-house role in

2000 and that was fascinating and gave me all sorts of insights but it taught me that private practice was where I belonged. I am challenged every day and never do the same thing twice. I also get to work with team members who have taken the skills they have learned and been offered some amazing national and international roles. I have had the opportunity to do lots of other things (including regular TV and radio interviews, having a morning TV segment for about 4 years, writing regular newspaper columns and singing in a band for the last 20 years) but they can't be classified as 'alternative careers'.

**KARUNANAYAKE: What have been some of your career highlights?**

**CAMPBELL:** We have the best clients who trust us to look after their interests. We have also been fortunate to have been involved in so many landmark cases over the years. They have all been so interesting. The media always starts a few steps back in any trial (whether because they are seen as the big corporation or because the Judge has an innate distrust of the media or just because the media has a bad reputation) so pulling things back onto an even footing and then demonstrating that the publication was okay is very satisfying. That has involved some amazing detective work at times but we have almost always managed to get what we wanted. Along the way I have been threatened and abused and cross-examined and almost run over. I was the subject of a two-page centre-spread in a national Vietnamese newspaper supposedly 'outing' me as a puppet of the Communist Government in Vietnam for daring to write a letter to them. It goes with the territory. On the entertainment front, you can't help but be excited when you witness the launch of a film or TV program or entertainment project in which you have been involved.

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

**CAMPBELL:** In the early days, it would have been don't go to a lunch with a newspaper editor who has an unlimited expense account unless you have comprehensive health insurance.

Nowadays, it would be get to know the industry and your clients. Understand their pressures and be as practically useful as possible. Be ready to adapt and get ahead of the curve as everything is changing so dramatically every year. Of course, maintaining good standards of personal hygiene can never be a bad idea.



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