

Profile: Alison Shilkin

Principal Legal Counsel, Foxtel



Co-editor, **Eli Fisher**, recently caught up with **Alison Shilkin**, Principal Legal Counsel at Foxtel, to discuss Ali's career and thoughts on the media landscape.

ELI FISHER: Hi Ali, thanks for chatting with us. Where do you work, and can you tell us a little bit about your role in the organisation?

ALISON SHILKIN: I work at Foxtel and our legal team covers the whole business, being Foxtel TV (and broadband), Fox Sports, Foxtel Media and our Streamotion businesses, Kayo and Binge. I am a Principal Legal Counsel, and largely look after our Foxtel Media; broadband; product strategy; and content partnerships streams of the business from a commercial point of view. I also have a focus on consumer and regulatory aspects of those business units. I'm also currently Foxtel's Privacy Officer (while she is on maternity leave). That's the thing about being a lawyer at Foxtel, there is always something new and different to do – and probably why I've been working here for 10+ years!

FISHER: Where have you worked previously, and what (apart from it being an obvious dream job) led you to your current role?

SHILKIN: I worked at a few law firms (Phillips Fox, Deacons and Mallesons as they used to be called) before realising that the thing that made me interested in law was working with the clients and being embedded with a transaction. I was working on a large media merger (I was part of the competition team of my firm at the time) and was really invested in our client and their outcomes. It was then that I realised I wanted to be working for a company that I had a passion for and work side by side with the business decision makers. I initially started my first in-house role at Austar Management (the regional subscription TV provider), which was a really small inhouse team where we did everything – and after 3 years there, Austar was bought by Foxtel, and I've been here ever since.

FISHER: What do you wish you had known about the legal profession before becoming a lawyer? What are some tips for young lawyers looking to work in this area of law?

SHILKIN: I think it's very hard to know what you want to do when you first start working at a law firm. You are largely on the periphery of big transactions, and it can be hard to get a feel for the work. That said, I think law firms give you amazing training and skills which you often can't get going straight into an in-house role, so I think it's the best pathway straight out of uni. Often in-house roles are so fast moving that you're making quick risk assessments, and if you haven't had that law firm experience, it can be

daunting. My only tip is that you need to find something that keeps you engaged and interested – the media industry is changing all the time, and Foxtel is trying many new things to keep up with its competitors – which means as lawyers we're always involved in different projects and evolving work, which keeps you motivated.

FISHER: What is a typical day at the office like for you?

SHILKIN: Well, at the moment it involves walking to my study and logging on! With working from home, there's obviously a lot of Teams calls – check-ins with my own team, with the broader legal team and with my business stakeholders. From a work point of view, my day can involve anything from reviewing and drafting contracts, dealing with customer complaints, reviewing new legislation and how it may impact Foxtel, working with our tech teams on new product requirements or advising our marketing team on privacy issues.

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

SHILKIN: Probably the variety – one minute you're dealing with a regulatory investigation, and the next you're working on a strategically important contract that had to be signed yesterday. It can be challenging dealing with different stakeholders' competing priorities, but that's what keeps it interesting. Also, Foxtel is really in a very competitive space right now, so the work we're doing is very innovative and stimulating.

FISHER: What's your favourite thing on Foxtel right now, and what show are you most looking forward to coming?

SHILKIN: *Mare of Easttown* was brilliant – Kate Winslet was impeccably cast. I'm looking forward to *The White Lotus* – it's on HBO on Foxtel.

FISHER: What are some trends that you are seeing in the media and entertainment industry that will have the most impact on the way the business operates going forward? What are some of the most urgent challenges for the Australian media landscape, and do they differ from those in other Western democracies?

SHILKIN: I think it's the disaggregation of content – there are now so many players with content split up amongst all of them. Consumers need a multitude of apps to get all the content they're looking for and it's expensive (for the consumer and the content creators)! So really, we're back to a place where the re-aggregation of content becomes key (which hopefully is a good thing for Foxtel).

FISHER: Does the legal status quo enable you to overcome these challenges? If the law reform genie granted you one wish, what would it be?

SHILKIN: Ha. An equal playing field for all content providers. Subscription TV regulation remains a relic of a very old Broadcasting Services Act, that doesn't contemplate all the OTT providers currently in market. A great example is the anti-siphoning list – which wouldn't prevent an OTT player swooping in and buying relevant sports, but still prevents Foxtel from doing this. Recently, there has been some very small progress on media reform, but the law always seems to be behind the 8-ball with what actually is happening in the market.

FISHER: How has COVID-19 affected the industry and our role?

SHILKIN: Well obviously it's evident in more people being at home, so more people are staying in to watch TV. So from a content point of view, having the best content available is critical – and has meant we're trying to strike new deals all the time. Business units are also trying to save costs and find new ways of doing things. So, as a legal team, we've probably never been busier. At least we're saving on the commute time!

FISHER: Thanks Ali! On behalf of all our readers, we are really grateful for your insights.

CAMLA YL Privacy Seminar 101: The Recap

By **Jessica Norgard** (CAMLA YL Representative, nbnco)

In a world where the local and international privacy landscape is becoming more regulated and complex, and we are increasingly spending more time online often trading our data and personal information for convenience and social freedoms, there has never been a better time for a privacy 101 refresher. As such, back by popular demand, CAMLA Young Lawyers was proud to host an updated privacy seminar to unpack recent developments in the space. The esteemed panellists, Sophie Dawson (Bird & Bird), Peter Leonard (Data Synergies), Veronica Scott (KPMG Law), and Kelly Matheson (MinterEllison) provided expert insights with a focus on the impact of data and technology.

Some topics of discussion included:

- A helicopter view of the Privacy Act, the Australian Privacy Principles, the Data Availability and Transparency Bill, Notifiable Data Breaches, privacy impact assessments and algorithmic impact assessments;

- The way businesses exploit and share data, and the empowerment of individuals;
- The regulatory environment – with a special mention to the ACCC's recent case against Google in relation to location data, and the Privacy Commissioner making it clear that the gloves are off when it comes to privacy non-compliance;
- The importance of looking at not just at the Privacy Act and APPs but also any "known unknowns" (for example, surveillance or Telco Act considerations) and operating within a social governance framework; and
- The difference in privacy and data regulation in different jurisdictions (which often use similar language but have divergent definitions and applications of the law).

CAMLA YL would also like to thank the sponsors for the event, Bird & Bird. For those who missed it, the seminar is available online for CAMLA members through the CAMLA website.

