

# 2021 at CAMLA

## A Message from the President, Martyn Taylor

For those of you in Sydney and Melbourne, the last 6 months have been particularly tough given the impact of lockdowns. Calendar 2021 has in some respects been even more difficult than calendar 2020.

For COVID, we can draw an analogy to a hurricane. The first part of COVID in 2021 had the pandemic winds blowing from one direction and taking us unawares. Then we had the eye of the storm where we had some months of normality. We even had a board meeting in person in early June for the first time in some 18 months. However, we then had the second part of the COVID storm with the winds of the Delta variant blowing with greater intensity from another direction. However, I am kind of hoping we are now through the worst of the storm – and the sun will be shining as we enter 2022.

Throughout that COVID hurricane of 2020 and 2021, CAMLA has emerged relatively financially secure. We have continued to deliver high quality content to our members. We have kept operating and kept smiling.

So my objective as President for the last 12 months has been to ensure that CAMLA remains a vibrant, interesting and successful association for the benefit of media and communications lawyers. Notwithstanding all the insanity that 2020 and 2021 have thrown at us, we have again met this objective.

However, as I said last year, CAMLA is a voluntary organisation. CAMLA succeeds because we collectively make the effort to translate ideas into reality. We arrange high quality, relevant and interesting events. We produce a topical publication with outstanding content. We provide a forum for networking and sharing news. The more we each contribute, the more valuable CAMLA becomes as an association for us all.

So I cannot say that CAMLA has fulfilled its objectives without mentioning the support of the great many people that have been heavily involved in CAMLA over the last 12 months. Those of you have contributed your valuable time to make CAMLA the success that it is. I thank you all from the heart.

### CAMLA Members

I will start with the most important people in CAMLA, namely all of the members of CAMLA.

We now have 411 people who are current members. We continued to increase our membership during 2021 after an increase in 2020. At 411 members, this means CAMLA remains a relatively large association.

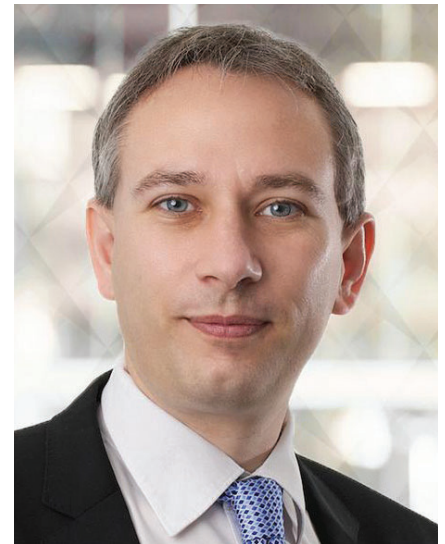
Around 17% of our membership are students and “new lawyers”, around 26% are standard individual memberships, and the remaining 57% are individual members through corporate memberships.

We have some 29 firms and organisations who have corporate memberships. This includes a wide range of media companies, government agencies, law firms, industry associations, and content companies.

It is a credit to CAMLA that we have continued to increase our membership over two very difficult years. Thanks to all of you for renewing your memberships and welcome to our new members.

However, in order to make a CAMLA membership worthwhile, it is imperative that we provide real value for money to our members.

In my view, we have done so over the last 12 months, assisted by many of our events being held free to CAMLA members. I will shortly talk through some of the highlights.



### CAMLA Board

However, before I do so, I will mention the CAMLA Board. We have had 18 members of the Board over the 2021 calendar year. I could shower praise on each of you and you each certainly deserve that, but I would like to make special mention of those in the executive positions:

- First **Katherine Giles**, who has continued to have the hot seat as Treasurer and Public Officer. Over the last 12 months, she has continued to successfully navigate our finances through the COVID economic crisis.

Katherine has indicated she will be retiring from the role as Treasurer and Public Officer today after taking over that role from me some 4 years ago in November 2017 when I became President. **Julie Cheeseman** will be taking over as the new Treasurer and Public Officer.

I would like to say Katherine, on behalf of the Board and members, thank you so much for all your time and effort as Treasurer and Public Officer, particularly through all the COVID dramas of the last 2 years. We are all incredibly appreciative and you have probably had the most difficult task of all of us. As Public Officer, you have also been the legal face of CAMLA throughout that period.

- Second, **Rebecca Dunn** who has performed an amazing role as Secretary in keeping the CAMLA tradition of well-organised meetings with high quality minutes and records. Rebecca became secretary of CAMLA in November 2017, taking over from Page Henty. Rebecca has therefore also had 4 years in the role.

From today, Rebecca will be taking over from me as the new President of CAMLA while I step back to a role as Vice President. Welcome to the new role Rebecca and we look forward to working with you as President after today. Rebecca will be replaced as Secretary by **Ryan Grant** - so welcome to the new role Ryan.

- Next, the two CLB Editors, **Eli Fisher** and **Ashleigh Fehrenbach**. The content produced for the Communications Law Bulletin over the last 12 months has continued to be truly outstanding. I will come to that in due course.
- Finally **Debra Richards** and **Ryan Grant**, who been the two Vice Presidents of CAMLA for the last 12 months. Both of them have been instrumental in organising events. Many thanks both. Debra will be continuing as a Vice President in 2022 as one of the longest serving members of CAMLA on the Board. I will be stepping down as President to be the other Vice President for 2022.

### CAMLA Young Lawyers Committee

Next, I'd like to mention the CAMLA Young Lawyers Committee.

As you will know, CAMLA Young Lawyers is an official sub-committee of CAMLA. In 2021, that sub-committee comprised 15 young lawyers who represented the interests of young lawyers working in, or who have an interest in, communications and media law in Australia.

The contribution of the Young Lawyers Committee over the last 12 months has been outstanding. The Board and I have been impressed and very grateful for the time and

effort of each of the members of the CAMLA Young Lawyers Committee and the very high quality of the contributions made.

Many of the events held over the last 12 months have been organised by the CAMLA Young Lawyers Committee. They are also responsible for several innovations, including the CAMLA podcast.

I would like to give particular thanks to Calli Tspidis for continuing to chair the Young Lawyers Committee over the 2021 year and to Belyndy Rowe for acting again as secretary. Calli has provided a summary of 2021 in this edition of the CLB too, which I strongly recommend.

### CAMLA Events

That brings me to the CAMLA Events. I'll just provide a quick overview as the full details are in the Schedule to my report.

We have held a record 12 events in 2021 and most of these have been online:

- In March, the CAMLA Young Lawyers Networking Event
- In May, a Privacy 101 breakfast seminar and a webinar on Stage 2 of the Defamation Law Reforms
- In August, an Injurious Falsehood 101 webinar
- In September, a Sports Law 101 webinar and a webinar on Developments in Ad Tech
- In October, a webinar with the Telecommunications Industry Ombudsman and a webinar on Sports Rights
- In November, Minister Paul Fletcher spoke on governing in the Internet age and we also had the Imputations 101 webinar and yesterday a webinar on the Internet of Things
- In December, a judge's panel on defamation law

We have received highly positive feedback in relation to each of these events. Many thanks to all of you who were involved. We had record attendances for many of these.

Our use of webinars has meant we have been able to serve our interstate membership base. I am very keen going forward that we offer dual events that are both in person and online so we can continue to serve a wider community.

We have opportunities in 2022 to hold some great events, many of which are already being organised. The media and communications landscape in Australia continues to change rapidly. It is a very interesting time to be a media and communications lawyer.

### Communications Law Bulletin

That brings me to the Communications Law Bulletin. In my view the CLB Editors have again topped in 2021 the impressive record that they had set in 2019 and 2020.

Many thanks to Eli and Ash for their incredible effort in very difficult circumstances. Many thanks particularly to Ash for continuing as CLB Editor from her role as a Senior Associate in the IP & Technology team at Reynolds Porter Chamberlain in London at a COVID social distance of some 17,000 km.

I have included a detailed list of the content in the CLB in the Schedule to this report. The contributions are of a very high quality on many cutting-edge issues, including several fascinating interviews.

The March CLB featured interviews with over 30 prominent women lawyers working in communications and media in the first special International Women's Day edition. The July issue celebrated the 40th anniversary of the CLB including a conversation with seven of the community's most noteworthy legal veterans about the practice of media, IP and technology law over the last 40 years. In the third edition, the editors focussed on the music industry and the law in another excellent special issue.

And in this, the final edition of the year, they have collected the combined wisdom of some of the

leading practitioners of privacy law in relation to the ongoing law reform proposals and some of the leading defamation lawyers in relation to the important Voller decision.

For those of you who have not read the CLB over this year, you really should take the time to do so. The content is interesting, relevant and insightful – and it is absolutely worth the time to read.

Again, my hat off to our two editors, **Eli Fisher** and **Ashleigh Fehrenbach**. They have a difficult task in co-ordinating the CLB. They have both driven the CLB with huge energy and enthusiasm. The continued high quality of the CLB over the last 12 months is testimony to this. Many thanks to you both.

### **CAMLA Administration**

I now turn quickly to the CAMLA administration and finances.

Of course, as always, our huge, huge (huge) thanks to **Cath Hill** for her incredible effort over the course of the last 12 months in keeping us all organised as the administrative secretary.

CAMLA would not function without the efforts of Cath and it makes it a lot easier for those of us on the Board to ensure CAMLA and the events that we hold work smoothly.

It has been another difficult year on so many fronts and all of us are grateful to Cath for always being there to provide support. Therefore, my personal thanks Cath, as always – and I am sure I have the full support

of the CAMLA Board in conveying our deep thanks from the heart for all your work over the last 12 months in very difficult circumstances.

I am not intending to spoil the excitement by giving too much away about our plans for the next 12 months - you will all just have to wait and see. We have plenty of great ideas. Rebecca Dunn will take over from me to assist to translate those ideas into reality.

The changes in the telecoms and media sector continue to provide many opportunities for interesting seminars and content.

For those of you involved in CAMLA - many thanks indeed from all of us and I look forward to working with you all over the next 12 months.

## **Schedule – Events in 2021**

### **1. CAMLA YOUNG LAWYERS: NETWORKING EVENT 29 March 2021, Clayton Utz**

CAMLA Young Lawyers held an in-person networking event for young lawyers and law students with an interest in the media and communications industry. The evening included a panel discussion, where the accomplished speakers discussed their career paths, professional highlights and challenges and their advice for young lawyers looking to break into, and progress, in the industry. The finalists of the CAMLA essay competition were also announced.

#### **Panel:**

- Timothy Webb, Clayton Utz
- Sarah Woolcott, BMG Music
- Michael Bradley, Marque Lawyers
- Claire Roberts, Eleven Wentworth

### **2. CAMLA YOUNG LAWYERS: PRIVACY 101 – BREAKFAST SEMINAR 11 May 2021, Bird & Bird**

The CAMLA Young Lawyers went back to basics to explore the latest and greatest updates in privacy law. Our esteemed panel provided practical insights into privacy law, including discussing the general framework of privacy law in Australia, as well as the issues relevant to reform during the Attorney-General's Department's review of the Privacy Act 1988.

#### **Panel:**

- Peter Leonard, Data Synergies
- Sophie Dawson, Bird & Bird
- Veronica Scott, KPMG
- Kelly Matheson, MinterEllison

### **3. DEFAMATION LAW REFORM – STAGE 2 WEBINAR 12 May 2021, Johnson Winter & Slattery**

With the release of Stage 2 of the Review of Model Defamation Provisions, centred upon the question of internet intermediary liability, CAMLA and JWS brought together a panel of

defamation experts for a webinar discussion. This webinar provided an opportunity to join with leading tech players, expert counsel, an academic and an eminent defamation Judge in considering the next round of changes during the consultation period for Stage 2.

#### **Panel:**

- Kieran Smark SC
- Clayton Noble, Microsoft Australia and New Zealand
- Her Honour Judge Judith Gibson
- Dr Daniel Joyce, UNSW Law & Justice
- Moderated by Kevin Lynch, Media Partner at Johnson Winter & Slattery

### **4. CAMLA YOUNG LAWYERS: INJURIOUS FALSEHOOD 101 WEBINAR 9 August 2021**

This webinar posed the following questions: Is injurious falsehood similar to defamation, or not at all? Is pleading injurious falsehood "going out of fashion"? Just how difficult is to establish actual damage? A back to basics" session with two of the country's leading experts:

#### **Panel:**

- Sue Chrysanthou SC, 153 Phillip Barristers
- David Sibtain, Level 22 Chambers

### **5. CAMLA YOUNG LAWYERS: SPORTS LAW 101 22 September 2021**

The Sports Law 101 webinar addressed questions like: What is sports law? What does a 'sports lawyer' do? The expert panel took us through a day in the life practising sports law and we discuss some of the trending topics in the industry.

#### **Panel:**

- Tim Fuller, Special Counsel, Gagens
- Simon Merritt, Senior Associate, Lander & Rogers
- Calli Tsipidis, Legal Counsel, Foxtel Group

## 6. DEVELOPMENTS IN ADTECH WEBINAR 30 September 2021, Bird & Bird

A webinar discussion with experts in the AdTech industry relating to recent developments in digital advertising, including:

- Apple's ATT campaign
- Cookiepocalypse
- ACCC inquiry into AdTech
- ACCC inquiry into app marketplaces
- Privacy law reforms

Digital and app-based businesses, including streaming platforms, social media networks, video game creators and news publishers, are experiencing an upheaval in the way they monetise their offerings. Our panel explored the challenges that the industry is facing, offer some solutions currently being considering, and have the benefit of local and global perspectives. This webinar was of interest to lawyers as well as AdTech professionals who are not lawyers.

### Panel:

- Eli Fisher, Network 10 ViacomCBS
- Sophie Dawson, Partner at Bird & Bird
- Josh Slighting, Head of Data and Digital Audience at Network 10 ViacomCBS
- Joey Nguyen, Co-founder and Head of Technology at Venntifact
- Alex Dixie, Partner at Bird & Bird (London) and Head of the AdTech practice
- Thomas Jones, Partner at Bird & Bird

## 7. OUT OF THE COURTROOM: WEBINAR - RESOLVING DISPUTES AT THE TELECOMMUNICATIONS INDUSTRY OMBUDSMAN 20 October 2021, Clayton Utz (RSVPs: 54)

In 2020-21 the Telecommunications Industry Ombudsman, Judi Jones dealt with complaints and enquiries from over 119,000 people and small businesses. In her capacity as the leader of the nation's highest volume complaint handling service, Ombudsman Judi Jones discussed how the TIO resolves disputes out of the courtroom through conciliation and investigation and their work in identifying and resolving systemic problems. She also discussed the regulatory and legislative prospects sitting on the horizon of an ever-changing telecommunications landscape. This includes the Digital Platforms Ombudsman, Statutory Infrastructure Providers regime, and the Consumer Data Right.

## 8. SPORTS RIGHTS: THEN AND NOW - WEBINAR 27 October 2021, Marquee Lawyers (RSVPs: 76)

Emma Johnsen, Marquee Lawyers, joined by a panel of three speakers from the sports broadcasting and events industry to discuss challenges the industry has faced both at the start of the pandemic, and now, as it hopefully returns to a new normal.

### Panel:

- Emily Jackson, FIFA Women's World Cup Australia - New Zealand 2023™
- Rohin Sharma, Fox Sports Australia
- Sam Stitcher, IMG

## 9. GOVERNING IN THE INTERNET AGE WITH THE HON. PAUL FLETCHER MP – WEBINAR 10 November 2021, McCullough Robertson (RSVPs: 74)

The Hon. Paul Fletcher MP, Minister for Communications, Cyber Safety & the Arts spoke with Rebecca Lindhout, Special Counsel, McCullough Robertson to discuss the Minister's new book, *Governing in the Internet Age*.

Paul Fletcher has worked on internet policy issues for twenty-five years. In *Governing in the Internet Age*, he outlines the key challenges the internet has posed for governments as they seek to preserve their sovereignty, protect their citizens from harm, and regulate neutrally between traditional and online business models.

## 10. CAMLA YOUNG LAWYERS: IMPUTATIONS 101 WEBINAR 11 November 2021, Level 22 Chambers (RSVPs: 97)

A refresher on one of the most fundamental and complex aspects of defamation litigation with two of Australia's leading defamation junior counsel.

### Panel:

- Nicholas Olson, Level 22 Chambers
- Tim Senior, Level 22 Chambers

## 11. INTERNET OF THINGS – THREE DIFFERENT PERSPECTIVES WEBINAR 24 November 2021, McCullough Robertson (RSVPs: TBA)

An online panel event to hear three different perspectives relating to the application of IoT in the telco, media and sports space, including the challenges and opportunities for each of the panellists and their teams.

### Panel:

- Lisa Goodman – Business Partner, Internet of Things and Industry Solutions, Telstra
- Jaco Pretorius – Chief Technology Officer, Divinio – makers of the Smart Bat
- Michael Wells – Melbourne Rebels Rugby Player

The interactive panel event was moderated by Rebecca Lindhout, Special Counsel, McCullough Robertson.

## 12. DEFAMATION LAW: JUDGES' PANEL – UPCOMING SEMINAR AND WEBINAR 7 December 2021, Level 22 Chambers and Banki Haddock Fiora (RSVPs: TBA)

Defamation cases are rarely out of the public eye, over publications ranging from nasty Facebook posts to serious investigative journalism pieces. At a time when Courts are grappling with the meaning of defamatory publication on social media and online platforms, and are faced with applying the recently updated defamation legislation, we look forward to hosting what should be an illuminating panel discussion with judges from the three main Courts hearing these cases in Australia:

### Panel:

- Judge Judith Gibson, District Court of NSW
- Justice Michael Lee, Federal Court of Australia
- Justice John Sackar, Supreme Court of NSW

Moderated by Daid Sibtain, a barrister at Level 22 Chambers, and Marina Olsen, a partner at Banki Haddock Fiora.