

Valeska Bloch

TMT Partner at Allens

Mia Herrman, incoming Graduate Lawyer at Optus, chats with **Valeska Bloch**, to unpack emerging developments across the media and communications law landscape and her leading insights on parental leave reform. Valeska Bloch is a Partner in Allens' TMT practice, at the forefront of legal issues associated with technology, data, media and cybersecurity with particular expertise in highly-regulated critical infrastructure and data-intensive sectors. Her practice spans transactional work, advisory, governance and crisis management. Valeska has been instrumental in the design and launch of some of Australia's earliest and best practice data governance frameworks and is highly sought after for her expertise in data breach crisis management, having advised on many of Australia's largest and most high-profile data breaches. Valeska was a founding member of the Allens Accelerate high-growth companies practice and is a member of the Business Council of Australia's Cyber Alliance group.



MIA HERRMAN: Valeska, thank you for joining me today to discuss the current technology, media and communications law climate and some key career takeaways, in light of International Women's Day. If there is one thing you would celebrate about International Women's Day in this industry, specifically, what would it be?

VALESKA BLOCH: International Women's Day is such a fantastic opportunity to hear women's stories (I love a good story!) and to better understand their perspectives. Of course, this industry already plays an important role in telling women's stories every day of the year, but IWD provides a brilliant platform to really amplify and celebrate such important voices.

MIA: What recent events in technology, media and communications law most affect your role as Partner at Allens?

VALESKA: We now have a remarkable opportunity – by leveraging technology and sophisticated data analysis techniques – to better understand a diverse range of audiences and to personalise services. The challenge is that this is happening in a rapidly changing and increasingly complex regulatory environment that doesn't always keep pace with the technological change that we're seeing. Organisations are also (quite rightly) facing demands by consumers to handle their data fairly, ethically and transparently, as well as increased scrutiny by regulators on the ways in which they handle data.

That's a difficult balance to manage, particularly for organisations that deal with high volumes of consumer information, like the media and communications sector – but it's one that organisations are going to have to do their best to achieve. Having a robust data governance framework with clear accountabilities and a focus on effectively embedding good data handling practices throughout all operations is key. We've seen a lot of organisations really start focussing on designing and rolling out these frameworks over the past couple of years and it is not only radically improving compliance, but it's also providing business benefits – fewer bottlenecks, greater consistency and better response times and resilience in the event of a data breach.

MIA: Are there any law reforms in your sector that you think are desperately needed? If so, what are they?

VALESKA: It's not a particularly sexy one but I think the Spam Act is well overdue for an overhaul. It came into effect at a time when modern marketing methods were not yet a twinkle in the eyes of legislators. Applying the Spam Act, Australian Privacy Principle 7 and the Do Not Call Register to current marketing practices should not involve the legal gymnastics that we've come so accustomed to over the past few years.

MIA: Turning now to your important work on Allens' parental leave scheme reforms, what further parental leave developments would you like to see on more widescale basis in the legal industry?

VALESKA: There has been an enormous step forward in the way that parental leave is being approached over the past few years, both in terms of the policies organisations are creating as well as the way that they are implemented. It's one thing to have a supportive policy but if there's an unspoken notion that, for example, taking leave permitted under a policy is frowned upon in practice, this is almost worse than having no policy at all.

It has been especially pleasing to see the increasing dissolution of the distinction between primary and secondary carers. When we first rolled out our parental leave reforms we received a lot of great feedback from women, but also from men, who valued the ability to provide their families with additional support and more flexibility in structuring care in early parental years.

For what it's worth, I found personally that having time away from work on parental leave was wonderful, not only because it meant that I could spend it with my kids, but because it also gave me some much needed perspective – which was good for my family, for me and for work! Taking some time out of your career whether for parental leave or for a career break, can be just the thing you need to function in a high-pressure career for a sustained period of time.

MIA: What's the best work-related advice you've ever received?

VALESKA: The best advice was to read and listen broadly. Aside from keeping things interesting, it has helped me keep the broader context in mind and make connections between seemingly disparate issues. Plus, as

we know in this industry, there's so much to learn from great storytellers. Communicating with clients is such a critical part of what we do and there's a real craft to being able to tell stories and communicate messages well.

MIA: What's the greatest risk you've taken as a professional?

VALESKA: It's probably fairly low risk in the grand scheme of things but given the relentless pace of change in this industry, I feel as though I've had to constantly reinvent my practice throughout my career, as technology and business models have transformed and as the law has tried to keep up. That can be unnerving but it's also a lot of fun to throw yourself into something you've never done before, or that has never been done before. And over time, you get comfortable with the process of trying to solve problems that you haven't encountered before.

Another (again low level!) risk was being made up as Partner when I was on parental leave for the first time. I came back to work after nine months off and suddenly needed to generate a practice, which felt daunting. But I was fortunate to have a huge amount of support from my family and my team. Plus, there were some real benefits in coming into the role with a fresh perspective and having a very clear delineation between the pre and post-Partner path. It meant that I could come back to work being more strategic about what I would focus on and how I should be spending my time.

MIA: What developments do you see on the horizon in 2022 for media and communications law?

VALESKA: Two key ones jump out.

The Privacy Act is going through its first major overhaul since 2014. Considering how far we have come in terms of the sophistication of what we are doing with data nowadays, this is going to have a significant legal and operational impact on every organisation.

The other is that Big Tech is now taking on almost every sector (not just the media sector!). Australia has been at the forefront of a lot of these issues, but the rest of the world is starting to follow suit. Seeing how that plays out is going to be a fascinating ride.

MIA: Valeska, thanks so much for joining us, happy International Women's Day!