

Alison Kerr

Senior Legal Counsel at Paramount Network Ten

Damiano Fritz, Lawyer at Clayton Utz, talks with **Alison Kerr**, Senior Legal Counsel at Paramount Network Ten, about her career and thoughts on International Women's Day in 2022. Ali was Legal Counsel at News Digital Media for more than four years prior, and at Ashurst for four years prior to that. She specialises in media litigation (in particular, defamation and copyright), prepublication advice and music law.

DAMIANO FRITZ: Ali, thank you so much for talking to us about your career, media law and your thoughts in the lead-up to International Women's Day. You've always worked in media and entertainment law. Was that always the plan?

ALISON KERR: To be honest, I've never really had a "plan" as such. I was really fortunate to do a rotation and get a spot in the IPC team as a grad at Blake Dawson Waldron (Ashurst) and absolutely loved the work and the people in that team. I was largely working on matters for News so when the role came up at News Digital Media and my love of time sheets dwindled, that was a natural step. Having worked in print and online, the opportunity to go live and move to Network 10 (Paramount) was irresistible. If anything, my plan has always been to work hard, give everything a go and see where it takes you. There has also been an undeniable "right place, right time" sine qua non to my career path to date.

DAMIANO: What does your role as Senior Legal Counsel at Paramount Network 10 involve on a day-to-day basis?

ALI: Coffee and creativity are a certainty but beyond that anything is possible. I consume news voraciously, always out of insatiable curiosity but also with an eye to which stories will throw up pre-pub issues during the day. While it's my job to know the law, being across where an evolving story is at is crucial to giving good advice. And possibly claiming news subscriptions as tax deductions? A large chunk of every day is also spent negotiating music agreements, with publishers, labels, composers, collection societies and artists and advising the business on the same. This has exploded now that I work across Nickelodeon, MTV and content for the broader Paramount Global business - we truly are an all platforms, worldwide, operation. Throw in seeking instructions on proceedings before the Copyright Tribunal, exploiting MTV live performances as marketing activations in Europe, rights clearance for music backed drone shows in outdoor spaces and I need to call it a day.

DAMIANO: What energises you about your work?

ALI: Absolutely the work but also because of the people I get to do it with. The business has changed so much over the time that I have been there, as has the nature of the work I've been involved in. When I started with 10 it was an Australian based free to air broadcaster and it had just launched its first multichannel, One. I cleared programs like Good News Week and worked with George Negus on his 6:30 program. Since then, we have launched new multi channels and our BVOD platform 10 play. We have been through administration, been acquired by CBS which then merged with

Viacom, launched Paramount+ and have just rebranded as Paramount Global, reflecting the continued integration of all parts of the international business. The work that has come with all those changes has been fascinating. I get to do this work with an incredibly talented legal team and clever, creative people across the broader business.

DAMIANO: What do you see as the current key trends and issues in your practice area?

ALI: It is getting increasingly hard to negotiate and administer the use of commercial music in content where we are seeking exploitation across a plethora of platforms. There are so many moving parts and parties to licensing all the necessary rights to use music, and my concern is that the chasm between rights owner's desires to control use of their music and producers and broadcasters/communicators seeking to use and exploit that music is becoming harder to bridge. As for the defamation space, the *Voller* decision has daily ramifications as to what content can be made available on social media. Any suggestion that having a viable news presence in such a highly competitive market in the absence of a social media presence is ludicrous. Not to mention an incursion on free speech by way of lumping publication liability on media branded accounts.

DAMIANO: As a prepublication lawyer, you deal with uncertain risks all day and all night. What's the greatest risk you've taken as a professional?

ALI: Letting my phone battery die with no ability to recharge it? There is a very good reason that our prepub industry self-help group is known as the Blondin Society. Charles Blondin was a French tightrope walker and acrobat. Giving clearance advice, especially on deadline across any platform is akin to walking the wire - one misstep either way and, well, we all know what happens. In my experience most long term prepub lawyers enjoy the acrobatics. That doesn't mean it isn't hair-raising at times - I may still have a few front pages of the first metro edition of The Daily Tele that I acquired in the wee hours of the morning from a local servo stashed away from my time at Holt St, purchased in order to ensure my advice was followed...One of the many things I love about the work I do is that even after doing it for so many years, there is always a collaborative approach to getting the best story out. The biggest risk you can take is not ensuring you have a trust-based relationship with the reporters you work with so that when it counts, you can work as a team to get the best story across the line.

DAMIANO: What do you celebrate most about International Women's Day? What's the triumph that most pleases you?



ALI: I am in awe of and will celebrate the incredible successes that so many of my female friends and colleagues across so many industries have had. That's proof that change has already happened. But of course, there still much to do. While Covid has been, and continues to be, a tragic and immeasurable disruption to life as we knew it, it is so pleasing to see the real change it has affected in terms of flexible working arrangements. It is a reality that obligations outside of work, like childcare and remote living, have prevented women from applying for and maintaining employment. While I am hesitant to say there are any silver linings to Covid, the real and meaningful shifts we are seeing regarding when, where and how we are able to work is game changing for men and women.

DAMIANO: What do you lament most on International Women's Day? What are your most urgent concerns?

ALI: To some extent it saddens me that we even need to have an IWD and that many of the same issues are still on the agenda. My concern, right now in early 2022, is that we are collectively facing so many challenges - climate change bringing ravaging fire and floods, Covid 19, and now war in Europe. Maintaining focus on diversity, equality and inclusion has never been harder.

DAMIANO: How do you unplug from work?

ALI: I'm not sure this is something I have truly mastered. I have, however, recently taken up Pound Fitness. "What's that?" I hear you ask. It's a drumming inspired class where you use weighted drumsticks to, and I quote, "sweat your way to a rock-hard body". Evidently, I am a newbie and may need to up the twice a week attendance. I also have two rambunctious young boys who make life so much fun. Between laughing at myself and at them, I try to find space to unwind.

DAMIANO: The 2022 International Women's Day campaign theme is #BreakTheBias. What does this mean to you?

ALI: It means that there is still work to be done. I'm personally challenged by the effects of unconscious bias and the effect it has on the decisions we make every day. It's so important that those of us who find ourselves in positions where we have a measure of influence take that responsibility seriously.

DAMIANO: If you could have dinner with one woman that you really admire, who would it be and why?

ALI: Easy, Michelle Obama. Why? Because she didn't fit the mould of a Harvard Law graduate, but she did it anyway. And when she was easily 50% of the main act alongside Barrack Obama, she chose to use the limelight to give back, in

particular to inspiring girls around the world to go to school and stay in school, amongst many other worthy causes. I'm not sure what we would eat for dinner, but I am sure we could carve up a dance floor afterwards.

DAMIANO: What advice would you give to the next generation of female leaders in the industry?

ALI: Two tips. First, the only difference between you and the person who has the role you aspire to is that they have had the benefit of experience. Have confidence in yourself that you too can get there. Secondly, be really good at the job you are currently doing. You never know where it will take you.

Katherine Sainty

Principal and Founder of Sainty Law

Belyndy Rowe, Senior Associate at Sainty Law interviews **Katherine Sainty**, principal and founder of Sainty Law. Katherine is a corporate and commercial lawyer who is an expert in digital, technology and privacy law. Katherine has more than 30 years' experience and 10 of those years spent as a partner with leading Australian law firm, Allens Linklaters. One of Katherine's key strengths is applying her strong commercial expertise, extensive industry experience, sophisticated project management techniques and broad regulatory skills to deliver innovative and cost-effective solutions for her clients. Katherine has been recognised as a 5-star Cyber Lawyer for her ability to navigate complex technology and data challenges, advising clients across all aspects of their businesses. She has also been recognised in Chambers Global, The World's Leading Lawyers, as pre-eminent in her field.



BELYNDY ROWE: Katherine, thank you for agreeing to be part of this IWD edition of the CLB. You have had a mix of private and in house experience. You were a partner at Allens for many years. In 2007 you founded Sainty Law to provide clients with efficient and smart thinking, and legal and commercial advice. Did you always want this job? If so, what did you do to position yourself to get it? If not, how did your career path lead you here?

KATHERINE SAINTY: I would love to be able to say that I had a structured career path that I successfully executed! When I started practicing law I had no idea – generally and about my career direction. It would have been hard to forecast how radically the profession has changed – especially in the last 5 years or so.

How did I position myself? Always do excellent work. Always ask if you don't understand. Always go further – dare to do as much as you can. Always understand your environment. Always look after your team.

BELYNDY: What developments do you see on the horizon in 2022 for the communications and media legal landscape?

KATHERINE: Many and varied! The sector is in play. Some will depend on the outcome of the Federal Election. Some will follow overseas developments. I will keep up to date with CAMLA publications and seminars!

BELYNDY: What energises you about work?

KATHERINE: Solving clients' business problems – not just the ones they can see but the ones over the horizon you can see.

Its combining legal knowledge, industry awareness and empathy to produce a solution that the client embraces, that will endure and benefit their business. We can all spot the legal issues – finding and implementing an effective fix is the hard bit!

The other most important energiser is the people. Working with bright talented lawyers – both on my own team and on the other side. Sharing the hard-won insights of years practicing the law and seeing people grow.

I am also hugely encouraged when people I have worked with go on to do great things.

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

KATHERINE: In hindsight it was starting Sainty Law in 2007. That was very uncommon at the time. Not so much now.

I was looking at what my clients were wanting – direct access to trusted advisers, not necessarily the big firm experience.

Unfortunately, a couple of months after I hung up my shingle the GFC hit – so the move was a little countercyclical – but the firm had flourished!

BELYNDY: How do you unplug from work?

KATHERINE: Legal work is so cerebral that I've always found you need something physical to counteract long days at the

screen. Over the years I've had various passions like running, cycling, sailing, skiing and the gym.

My current passion is rowing. It takes total concentration – performance on the water is as much technical as physical. And you sleep well at night! Crime fiction helps too.

BELYNDY: If you could have dinner with any woman – living or passed, real or fictional, who would it be and why?

KATHERINE: A truly difficult question – there are so many fabulous, interesting women.

So I'll lay out a legal/leadership focused dinner party – RBG, Hillary Clinton, Mary Robinson, Julia Gillard with Katharine Murphy of The Guardian to guide the conversation and wrangle the guests so they all get a chance to speak.

I could sit back, listen and learn. Maybe ask one or 2 friends so I could relive the evening over!

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

KATHERINE: One classic comment passed on when I was a very young solicitor – "you can't win a shitting fight with a skunk".

Possibly why I was never very interested in litigation...

BELYNDY: Thank you for taking the time to speak with us on IWD, 2022.