

Angela Flannery

Partner, Holding Redlich

Lucy Hughes, Senior Legal Counsel, Stan, recently interviewed **Angela Flannery**, Partner, Holding Redlich, to discuss her thoughts on International Women's Day, her professional experiences, and recent developments in the media law landscape. Angela is a partner in Holding Redlich's Technology, Media and Telecommunications group, and has over 20 years' experience as a partner in private practice and in senior Australian Federal Government roles, including as General Counsel and First Assistant Secretary at the Department of Communications and the Arts. Angela has been recognised as one of Global Data Review's "Women in Data 2022" and has been ranked as a leading lawyer in the area of Data in Who's Who Legal for both 2021 and 2022.

LUCY HUGHES: The 2023 International Women's Day campaign theme is #EmbraceEquity. What does this mean to you and how would you suggest this is implemented in our readers' work and personal lives?

ANGELA FLANNERY: I believe we all need to take practical steps to contribute to a fairer and more equal world. This includes giving people opportunities they can build on. That in my view is part of embracing equity. Earlier in my career I worked part time as pro bono general counsel for a not for profit that focused on providing funding to microfinance institutions for women, predominantly in India. It was an uplifting experience being a part of that organisation, given what microfinance can achieve in providing an opportunity that makes a real difference in people's lives. I will always recall how happy one of the women we visited in India was. Through a tiny microfinance loan, she ended up with a fleet of rickshaws that operated in her village. That gave her the income to send her children to school. Amazing!

So, the suggestion that I would make is to find the time to contribute through volunteer work that helps others – it is really rewarding and provides an opportunity to play a part in "lending a hand".

LUCY: What recent events in the Australian media law landscape most affect your areas of practice and your clients?

ANGELA: It is certainly a very interesting time to be practising in this area, given the range of reforms that are occurring. If we look back at only the last few months, there have been consultations on potential reform of the anti-siphoning scheme, consultation on a prominence framework that will ensure Australian free-to-air TV content is easy to find on connected devices and consultation by the Treasury on the ACCC's proposals for digital platform specific competition and

consumer protection regulation. And that is before we even consider the Privacy Act review, which is now moving into its next consultation phase, or defamation law reform.

It is unsurprising that, following their win in 2022, the new Australian Government would want to move quickly to introduce a range of reforms and it is great to see that they are doing this. However, it will also be important to consider holistically the impacts of all of these reforms and what the Government is seeking to achieve in the media (or broader content) sector. For example, the Government cannot both champion press freedoms and make reforms to the Privacy Act which will have a chilling effect on the ability of media companies to produce high quality journalism.

LUCY: Are there any law reforms in your areas of practice that you think are desperately needed? If so, what are they?

ANGELA: Reform in both the digital platform sector and in the area of privacy is incredibly important.

My view is that the digital platform sector regulation package the ACCC put forward to the Government in late 2022, which is now the subject of consultation by the Treasury, largely gets the balance right. Global digital platforms provide amazing services. But we need to make sure that those platforms do not act in an anticompetitive manner and also do not behave in a way that creates consumer harm. The best way to achieve that is through ex ante regulation.

It is particularly important that ordinary Australians engaging with large digital platforms have meaningful rights and protections. This includes in the privacy area. The key aim of the Privacy Act review, which is intended to update our law to make it fit for purpose in the digital age, should be to ensure that Australians have a genuine ability to opt out of invasive data collection practices



by digital platforms, while still having the ability to use digital services and products in the manner represented.

LUCY: What energises you about work?

ANGELA: Everything! I really enjoy working with clients and helping them achieve their goals. One aspect that I particularly enjoy is helping clients in advocating for regulatory reform. For example, I had the opportunity to assist in relation to the reform process that led to the introduction of the mandatory news media bargaining code, that is now in Part IVBA of the *Competition and Consumer Act*. When the legislation was passed, I was then fortunate to be able to assist one of my clients to put in place agreements with both Google and Facebook to obtain funding for the use of that publisher's news content. That was incredibly rewarding – knowing how much of a difference the funding has made (and will make) to the ability of that publisher to create high quality news content.

LUCY: How do you unplug from work?

ANGELA: My summer holiday was spent watching a lot of tennis at the Australian Open, so I have to say that is a highlight. It is terrific watching such highly skilled athletes, though very sad this year not to see Australia's Ash Barty in action.

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

ANGELA: That is an easy question to answer! In 2013, I was lucky enough to secure the role of General Counsel at the Department of Communications.

Prior to that appointment, I had been a partner in private practice, specialising in major projects and banking and finance. While I loved it, and really enjoyed working with my clients, I

didn't want to look back in later years and think that I had spent my whole career practising only one type of law. Also, I thought I wasn't challenging myself enough – I wanted to learn new things and develop different skills, which really wasn't happening in private practice.

I remain incredibly grateful not only for being appointed to the role but also to all of my colleagues at the Department who helped me on my very steep learning curve, from learning in detail the complexities of policy and legislative processes, to appearing at Estimates and finding my way around Parliament House. I will always look back at that time as a highlight of my career.

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

ANGELA: Don't take advice from articles like this!

On a more serious note:

Listen to your instincts when you are making decisions. That doesn't mean don't take into account the facts and rely on your gut. But if, when you are making a decision, you think the facts point one way but your instincts are pointing you towards another answer, then that probably means that you are missing information or haven't given the correct weight to different factors – so look at it again.

Don't flog a dead horse. In other words, if something isn't working, it isn't working. So stop doing it in the expectation that somehow things will get better or outcomes will improve. That just won't happen and you need to do something else.

Make sure that you are open to change, in all aspects of your life. I constantly marvel at how quickly not only the law, but life more generally, changes all the time – if you aren't thinking about external change and how you can use that in your own life and career you are missing out on opportunities.

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

ANGELA: Ash Barty, to convince her to return to professional tennis. We were lucky enough to watch Ash when she won the Australian Open in 2022 – she played such an amazing tournament and under so much pressure! Ash is a lovely person, polite to her competitors and gave a lot to tennis. I know that soon she will be a mother, but given Ash retired young, I'm still holding out hope that she will come back to the sport!

Justine Munsie

Partner, Addisons

Justine Munsie, Partner at Addisons, specialises in the media, entertainment and advertising industries. Justine advises on contractual and strategic issues, pre-publication clearances, post-publication complaints, brand development and protection, digital media and regulatory issues, such as investigations involving the ACCC and the ACMA, as well as a range of disputes relevant to those areas, including defamation, copyright and trade marks. Justine spoke with **Anthony Sonego**, lawyer at APRA AMCOS, ahead of International Women's Day.

ANTHONY SONEGO: Hi Justine, thank you for taking the time to speak with us ahead of IWD 2023. What does a typical day look like for you?

JUSTINE MUNSIE: For better or worse, when my alarm goes off, the first thing I do is check my phone. It is both a blessing and a curse that legal advice can be given from under one's doona. It allows me to work out what my day will look like before I get my children ready for school and make my way into the office. After that, there's coffee and the rest is a blur.

ANTHONY: What recent events in the Australian media law landscape most affect your organisation/role?

JUSTINE: COVID confirmed the pre-eminence of streamable TV and other online content as forms of entertainment. Lots of it needs pre-publication review and it all needs to be done yesterday.

ANTHONY: Looking ahead, what developments do you see on the horizon in 2023 for the communications and media legal landscape?

JUSTINE: The introduction of a statutory right to privacy could be mind-blowing and clog the Federal Court lists for the rest of our days.

ANTHONY: Turning from the future to the past, what advice would you give to your younger self?

JUSTINE: Lawyers are surprisingly generous people. Never be afraid to tell one you can't do something or ask them for help.

ANTHONY: How do you unplug from work?

JUSTINE: Ideally, I'd travel but I'm almost as happy watching or reading anything I haven't legalised first.

ANTHONY: If there is one thing you would celebrate about International Women's Day in this industry, specifically, what would it be?

JUSTINE: When I started as a solicitor, the media industry was decidedly blokey. It didn't bother me as such but I was very much aware of often being the only girl in the courtroom or the boardroom.



Things have changed enormously since then and there are now great numbers of hugely talented women at senior levels in all facets of the industry – from CEOs, Commercial Directors, General Counsel, Program EPs, Editors-in-Chief, barristers, and law firm Partners and senior lawyers.

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

JUSTINE: The media does not sleep, but you need to. So admit you need to share the load at home and at work and constantly seek out people and organisations to work with where you can achieve that.

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

JUSTINE: Sergeant Catherine Cawood and her sister Clare from Happy Valley. For the accents alone. And to check in on Our Ryan.

ANTHONY: Thank you so much for time Justine, it was a pleasure speaking with you.