

Larina Alick

Executive Counsel, Nine

Imogen Loxton, Senior Associate at Ashurst, sits down with **Larina Alick**, Executive Counsel at Nine, to discuss her career, her best advice and her thoughts on the year to come. Larina provides legal advice for the newspapers *The Sydney Morning Herald*, *The Age* and *The Australian Financial Review*, amongst other news outlets both in print and online, and also provides advice on radio and television.

IMOGEN LOXTON: Thanks Larina for agreeing to this interview. We'll dive straight in - what would you say a "typical" day looks like for you?

LARINA ALICK: This is going to sound chaotic. Because it is. But I truly don't have a typical day. I just looked at my diary for last week and it was Monday: appear in a Supreme Court murder trial to oppose a suppression order. Tuesday: go into the office and provide a training seminar for our journalists. Wednesday: work from home and try to have a quiet morning, because I will be the lawyer on duty receiving non-stop emails and phone calls seeking pre-publication advice on draft articles from 3pm until 10pm. Thursday: judgment is handed down in one of our defamation cases so I need to read the 160-page judgment, confer with our external lawyers, explain the judgment to the editorial and executive teams and answer everyone's questions, provide financial projections for the accounts team, and draft a public statement with the PR team. Friday: prepare submissions on press freedom for lobbying the federal government, while also being on duty for pre-publication advice.

And that's a fairly typical week.

IMOGEN: I think you have to have one of the most interesting jobs in the Australian media landscape - did you always want this type of job? How did you get here?

LARINA: I have had an interest in media law since I was at university. I did combined Arts/Law degrees and my Arts major was Media Studies. But I don't think that was my ticket into this career. The greatest benefit of doing that Arts degree was that it balanced out the intense and dry nature of studying law.

I got my 'break' into media law when I moved to London and found a job in a boutique law firm working in music copyright. Later that got my foot in the door at a defamation and privacy practice in the West End. My role there was to protect the reputations and private lives of remarkable clients including musicians, actors, footballers, politicians and members of the royal family. Working on privacy super-injunctions was always exciting, with high stakes and urgent deadlines. But working against the media - stopping the news from being published to the public - never quite sat right with me.

When I moved back to Australia, I was thrilled to get an in-house role with News Corp Australia. I was much happier working for the media instead of against it. And knowing the tricks of the trade from the other side was often useful. A few years later in 2017, Fairfax Media's in-house lawyer was retiring and looking for his replacement. He tapped me on the shoulder. I have been with Fairfax Media ever since, going through its merger with Nine and becoming part of this expansive media empire.

IMOGEN: You often hear the phrase "no risk, no reward". What do you think the greatest professional risk you've ever taken has been? Did it pay off?

LARINA: Moving from private practice to in-house was the biggest risk I have taken. It did not feel like a risk at the time. I was so excited to join a media company, I was only looking forward. But now, looking back, I can see the work I put into climbing the ladder in private practice for the previous 13 years. From graduate solicitor to senior associate to special counsel. I had worked so hard towards partnership. My god, the billable hours I put in!



The all-nighters, the weekends, the business trips, the awkward networking events, the never-taken holidays. I walked away from all of that, without a single glance over my shoulder. I am lucky it worked out otherwise I would be feeling pretty stupid right about now.

IMOGEN: I'm always interested to hear the answer to this one - what is the best work-related advice you've ever been given?

LARINA: "Nobody on their deathbed has ever said, 'I wish I had spent more time at the office'."

I used to scoff at the phrase "work-life balance", as though that simply does not apply to lawyers. I proudly called myself a workaholic. I can't even tell you how much of my self-worth was based on my productivity.

But I have come to realise how toxic that is. I have a better perspective on it now. Becoming a parent was a big part of that. Going through the Covid pandemic was also part of it. But I have also seen a shift in our legal profession and in society more broadly. The 'Great Resignation' and 'Quiet Quitting' (which is more accurately called work-to-rule) are indicative of that shift. Phrases like "I am more than just my job" and "stop

killing yourself for a job that would replace you within a week” really resonate.

Am I great at setting boundaries with my work and holding those boundaries? No. Do I refuse to work on weekends? Of course not. I am still the kind of idiot who takes a work call on a ski slope. But I am now aware that I have a choice. It does not make me a bad person if I choose something for my personal life over my work. And when I do choose work, I am making a conscious decision because I like the people I am helping, and I like the work that we do... but I am still trying to get better at that boundaries thing, I swear.

IMOGEN: For not being very far into 2023, we’ve already seen the government make a lot of announcements relating to the media law space. What developments are you looking forward to?

LARINA: We are still in Stage 2 of defamation law reform. I am optimistic that the proposed changes will strike the right balance between personal reputation and freedom of speech.

But it can be difficult to predict how the draft legislation will be applied by the judiciary. We saw the Defamation Act’s cap on damages – which had been consistently applied for more than a decade since the Act was passed in 2005 – take a surprising turn during Rebel Wilson’s case in 2017. That had to be remedied in the Stage 1 reforms. I also anxiously await some judgments applying the Public Interest Defence that was introduced in Stage 1.

IMOGEN: And what reforms are you most concerned about?

LARINA: I am most concerned about the proposed tort of invasion of privacy.

On 16 February 2023, the federal Attorney-General published the Privacy Act Review Report. The report recommended the introduction of a statutory tort for serious invasions of privacy. The report noted the shortfalls in the *Privacy Act 1988* (Cth) such as a

stranger peering into a bathroom stall, a private conversation being secretly recorded, and an employee gaining access to personal information and misusing it for blackmail or Family Court proceedings.

Are these invasions of privacy happening a lot? Are lots of victims of Peeping Toms crying out for a damages remedy, apparently unaware they can call the police? Are many victims of secret recordings desperate for financial compensation, apparently unaware there are State laws against surveillance? Are there heaps of employees running amok by blackmailing customers or using personal information in their child custody battles, apparently willing to be fired, go to jail for a crime or, far worse, provoke the ire of a Family Court Judge?

Let me pose the more relevant question: can any of those victims afford privacy litigation?

Because I know who *can* afford privacy litigation. I know because I acted for them in privacy litigation in the UK for years: rich people; famous people; powerful people.

And I know how the tort of privacy will be used in practice. It won’t be for litigating a damages claim after an invasion of privacy has occurred. It will be for injunctions against news media organisations *before* publication of a news article. Lots and lots of injunctions. Injunctions that are sought on an urgent basis. Injunctions that are sought *ex parte*. Injunctions that are decided on the facts of each case. Injunctions that are granted by a duty judge on a Tuesday evening, faced with a distressed applicant who says they just want to maintain the *status quo*, versus a newspaper making a nebulous argument about the “public interest”. Injunctions that, frankly, will be a doddle to obtain.

The threat to press freedom and public interest journalism could not be clearer. Each newsroom will have a filing cabinet of stories that they cannot run, of documents and interviews that will never see the light of day. And journalists will have to sit on their hands and watch the

rich, the famous and the powerful maintain a public persona that is a bald-faced lie.

IMOGEN: Thanks again Larina for your time. Just one more question! We’ve heard about the best advice you’ve received – what advice would you give to the next generation of women in this industry?

LARINA: Sexism and misogyny do not present themselves as great big events waving big red flags. They are small but repeated incidents. They are underlying ideas. They are systemic. You have to fight them on that basis by pushing back on the little things and questioning what lies beneath them, both in other people’s heads and in your own. And above all, carry yourself with the confidence of a mediocre white man.