

President's Report

by Rebecca Dunn

I have been the President for the Communications and Media Law Association Incorporated (ACN 66 435 886 177) (CAMLA) for the period 8 December 2022 to 13 December 2023. This report covers that period.



1. Overview

2023 has been an exciting year to be involved in media and communications law and CAMLA.

CAMLA has continued to deliver high quality content to our members, while also increasing our ambition, and I will discuss this as well as our achievements in this report.

This is my second year as President, and my objective for this year has been to continue to ensure that CAMLA remains a vibrant, interesting and successful association for the benefit of media and communications lawyers. I think we have met and exceeded this objective this year.

CAMLA is a voluntary organisation. We succeed because we collectively make the effort to translate ideas into reality. We work together and bounce ideas off each other to conceive of and arrange 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.

CAMLA could not fulfil its objectives, or remain as relevant and vibrant as it is, without the support of the many people who have been involved in the last 12 months. I want to thank all of you for the energy and effort that you have given to CAMLA this year, and, on a personal note, the support that you have shown me in this role. Thank you.

2. CAMLA Members

I'll start with the most important people in CAMLA, namely all of the members of CAMLA, including all of you attending this AGM.

We now have 441 current members. Our membership has continued to increase this year after an increase last year. This means CAMLA remains a relatively large association.

Around 12% of our members are students and new lawyers, around 23% are standard individual members, and the remaining 65% are individual members through corporate memberships.

We have some 34 firms and organisations who have corporate memberships. This includes a wide range of media companies, government agencies, law firms, industry associations, and content companies.

We work hard to ensure that members obtain value from their memberships, including by providing high-quality events and via the ever-evolving CLB. I will mention some of those below.

3. CAMLA Board

However, before I do so, I will mention the CAMLA Board. We have had 19 members of the Board over the 2023 calendar year. I thank you all very much for your energy and your thoughtful contributions, and for creating a really positive (and fun) Board culture. I would like to specifically mention the office bearers.

- First, **Julie Cheeseman**, who is the Treasurer and Public Officer.

Julie, thank you so much for all your time and effort as Treasurer this year and as Public Officer (the legal face of CAMLA). We are all incredibly appreciative and I note in particular the diligence and care that you have devoted to the role, which has been very important to me personally as President. Julie will continue as Treasurer and Public Officer in 2024.

- Second, **Rebecca Lindhout** who took over as Secretary of CAMLA this year.

Thank you Beck for going above and beyond as Secretary this year. In addition to managing meetings and record keeping, Beck stepped in to run the administrative side of CAMLA during the period following Cath Hill's departure. I have relied on you very much Beck and am grateful for the care and generosity you have devoted to this role over the past year. Beck will be succeeded as Secretary by Marlia Saunders.

- 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. Both Eli and Ashleigh were part of the CAMLA executive team and will continue in this role in 2024.

- Finally **Martyn Taylor** and **Debra Richards**, who have been the two Vice Presidents of CAMLA for the last 12 months. Both of them have been extremely important touchstones and reference points for me. I thank them for this. Martyn and Deb will continue as Vice Presidents in 2024.

I note that the office bearers for 2024 will be myself (President), Martyn Taylor and Debra Richards (Vice Presidents), Julie Cheeseman (Treasurer and Public Officer) and Marlia Saunders (Secretary).

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4. CAMLA Young Lawyer's 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 2023, that sub-committee comprised 17 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. I am continually 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 they have made. They bring a lot of energy,

and new perspectives, to what we do and play a key role in involving and connecting the next generation of media and communications lawyers.

Many of the events held over the last 12 months have been organised by the CAMLA Young Lawyers Committee. We very much welcome the continued participation of the CAMLA Young Lawyers Committee in Board meetings and we again extend an invitation to the current chair of the Young Lawyers Committee and two committee members to attend each CAMLA Board meeting during 2024.

I hope the current members of the Young Lawyers Committee who wish to continue in 2024 will do so. The call for applications for membership of the new Committee for 2024 will be advertised soon. Please also encourage the young lawyers in your respective organisations to get involved.

I would like to give particular thanks to Belyndy Rowe for chairing the Young Lawyers Committee in 2023, as well as Nicola McLaughlin as Vice Chair and Erin Mifsud as Secretary – and I recommend you take a look at Belyndy's incredible overview as to what the Young Lawyers' Committee has been doing over the last year, also in this edition of the CLB.

We look forward to seeing what's next for the Young Lawyers in 2024.

5. 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 10 events this year:

- In May, June and November, 101 events in the areas of **Journalist Privilege, Online Safety, and Live Performance Law** developed by the Young Lawyers and hosted by Ashurst, Corrs and Canva respectively.
- In June, a **Vindication of Reputation vs Public Interest Journalism** seminar, which was an outstanding panel event hosted by Dentons and chaired by Sylvia Alcarraz.
- In July, another event put on by the Young Lawyers, about the **Women's Game**, timed for the World Cup and hosted by Marque Lawyers.
- In October, the **Future of Australian Content: What Reforms can we Expect?**, another outstanding panel event hosted by Ashurst and chaired by Nick Perkins.
- In December, a Fireside Chat about **Online Safety**, hosted by Thomson Geer. We have received highly positive feedback in relation to each of these events. Many thanks to all of you who were involved and to the firms which generously hosted. We had record attendances for many of these events.

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I want to also mention two further events.

First, we were able to get together again for the **CAMLA Cup**, and it was wonderful to be able to continue the tradition of a fabulous night together. Thank you to Sylvia, Nick Kraegen and Deb for your very hard work on this event, ably supported by the Young Lawyers.

Secondly, we had the second annual **CAMLA Oration** in November. This idea was conceived by Eli Fisher and Ashleigh Fehrenbach, and ably executed at an impressive event at the Ashurst Ballroom with a topical and entertaining speech by **Nick McKenzie**, who was one of the key journalists involved in the "defamation trial of the century". I want to thank Eli and Ash for their vision and persistence. You have set an even higher bar for next year!

We have some opportunities in 2024 to hold some really great events, many of which are already being organised. The media and communications landscape in Australia continues to change rapidly and we will stay at the cutting edge in terms of putting together events which are informative and thought-provoking.

6. Communications Law Bulletin

That brings me to the Communications Law Bulletin. In my view this has been another outstanding year for the CLB, and the editors have done an exceptional job in bringing to life vibrant, entertaining and informative issues of the CLB throughout the year.

Many thanks to Eli and Ash for their incredible efforts this year.

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.

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 well worth the time to read.

Again, my sincere thanks to 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.

7. CAMLA Administration

I now turn to the CAMLA administration.

I want to say a few words about Beck Lindhout. My thanks on behalf of CAMLA and also myself to Beck for her incredible efforts over the course of the last 12 months in stepping in to manage the administrative side of CAMLA during the period we did not have an administrative secretary. Beck volunteered immediately to carry out these extra responsibilities and did so with a great deal of generosity and graciousness. Thank you so much.

8. Plans for the next 12 months

We are looking forward to an exciting 2024 in the media and communications law space. The Labor government has already instituted changes to the law, with further reviews underway, as well as ongoing regulatory investigations that are of

great significance to our sector. We will continue to be at the forefront of analysing and discussing these developments via seminars and the CLB.

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!

Rebecca Dunn

Partner, Gilbert + Tobin
President, Communications and
Media Law Association Incorporated

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CAMLA Events During 2023

CAMLA YOUNG LAWYERS: YOUNG LAWYERS NETWORKING EVENT

13 April 2023, IN PERSON hosted by MinterEllison (RSVPs: 73)

CAMLA Young Lawyers hosted a networking event for law students and young lawyers with an interest in media and communications. It also featured a panel discussion about career paths and professional highlights.

Panel:

- **Jess Norgard** - Senior Legal Counsel, Customer, Product and Marketing Legal, nbn
- **Alessandra Steele** - Head of Disputes & Litigation, ABC
- **Lucy Hughes** - Legal Counsel, Stan

CAMLA YOUNG LAWYERS: JOURNALISTS' PRIVILEGE 101

31 May 2023, WEBINAR hosted by Ashurst (RSVPs: 87)

Lawyers hosted a free webinar about journalists' privilege in Australia. The panel discussed the current state of the Australian legislation for this area of law.

Panel:

- **Dr Matthew Collins AM KC** - Barrister, Aickin Chambers
- **Gina McWilliams** - Senior Legal Counsel, News Corp
- **Paul Farrell** - Investigative Reporter, ABC

CAMLA YOUNG LAWYERS: ONLINE SAFETY 101

20 June 2023, IN PERSON hosted by Corrs Chambers Westgarth (RSVPs: 47)

CAMLA Young Lawyers hosted a panel about the Online Safety Act 2021. The panel shared legal and industry insights on developments and challenges from the first year and a half of the Online Safety Act.

Panel:

- **Joelle Moukhaiber** - Principal Lawyer, eSafety Commissioner
- **Kara Hinsley** - Head of Global Public Policy, Canva
- **Arvind Dixit** - Partner, Corrs Chambers Westgarth

VINDICATION OF REPUTATION VS PUBLIC INTEREST JOURNALISM SEMINAR

21 June 2023, IN PERSON hosted by Dentons (RSVPs: 53)

Between one long awaited judgment and the first defamation case to (almost) test the public interest defence, it had been a huge few months in the defamation world. Sylvia Alcarraz, Managing Associate at Dentons, moderated a Q+A discussion between a panel of media law experts who spoke about the topic.

Panel:

- **Michael Hodge KC** - New Chambers
- **Tim Senior** - Level 22 Chambers
- **Kiah Officer** - Nine
- **Hamish Thomson** - The Guardian
- **Marlia Saunders** - Thomson Geer
- **Kevin Lynch** - Johnson Winter Slattery

CAMLA YOUNG LAWYERS: THE WOMEN'S GAME

11 July 2023, IN PERSON hosted Marque Lawyers (RSVPs: 27)

To celebrate Australia and New Zealand hosting the biggest women's sporting event, CAMLA Young Lawyers hosted a panel to chat women's football and the law.

Panel:

- **Mel Mallam** - General Counsel, Football Australia
- **Lyn Kemmis** - Senior Legal Counsel, SBS
- **Moya Dodd AO** - Partner, Gilbert + Tolbin and former Matilda
- **Michael Bricknell** - Senior Legal Counsel, IMG Australia
- **Kendall Perry** - Head of Onsite Law Australia

CAMLA CUP 2023

31 August 2023, IN PERSON, hosted by Sky Phoenix (RSVPs: 42)

CAMLA hosted their annual trivia night.

2023 CAMLA ANNUAL ORATION

16 November 2023, IN PERSON, hosted by Ashurst (RSVPs: 68)

CAMLA hosted an oration evening with the Nick McKenzie, 14-time Walkley winner, 4-time Australian Journalist of the Year, and investigative journalist for The Age and The Sydney Morning Herald.

THE FUTURE OF AUSTRALIAN CONTENT (PART II): WHAT REFORMS CAN WE EXPECT?

10 October 2023, IN PERSON, hosted by Ashurst (RSVPs: 41)

Having explored 'The Future of Australian Content on Our Screens' in 2020, CAMLA hosted a panel discussion to explore the current status of media regulation reforms in the context of:

- the current media regulatory landscape (with a focus on implications for Australian content);
- major reform proposals announced in 2023, including the National Cultural Policy;
- reviewing the positions of major stakeholders in the screen sector; and
- insights into what we can expect in 2024 and beyond.

Panel:

- **Paul Muller, CEO** - Australia New Zealand Screen Association
- **Jane Mulligan** - Director of Policy, Screen Producers Australia
- **Clare Gill, Chief** - Regulatory and Sustainability Officer, Seven West Media

CAMLA YOUNG LAWYERS: LIVE PERFORMANCE LAW 101

28 November 2023, IN PERSON, hosted by Canva (RSVPs: 41)

CAMLA Young Lawyers hosted a panel discussing the basics of live performance and the law, from securing the rights, talent, music & venue, through to touring, ticketing and promotion.

Panel:

- **Daniel Doctor** - Head of Business and Legal Affairs, BBC Studios ANZ
- **Reena Rihan** - Company Secretary, Opera Australia
- **Matt Salgo** - Legal Counsel, The Wiggles
- **Kelly Kim** - Legal Counsel, Michael Cassel Group
- **Chris Chow** - Managing Partner, Creative Lawyers

FIRESIDE CHAT: ONLINE SAFETY

7 December 2023, IN PERSON, hosted by Thomson Geer (RSVPs: 25)

CAMLA hosted a 'fireside conversation' between **Morag Bond**, Executive Manager at the eSafety Commissioner, and **Justin Quill**, Partner at Thomson Geer. Morag shared insights about the role and remit of the eSafety Commissioner under the Online Safety Act, current and emerging regulatory activities and future challenges/opportunities.

Communications Law Bulletin During 2023

MARCH 2023 – Volume 42, Issue 1 - International Women's Day Edition

This edition contained a series of short interviews with around 40 leaders from a range of backgrounds and experiences across media, communications, IP, advertising, government, privacy, entertainment and tech.

The CAMLA industries in Australia are driven by the intelligence, advocacy, warmth, leadership and persistence of many incredible women – and we were pleased to be able to share a sample of that in this bulletin.

In this issue:

The Hon Justice Michelle Gordon AC KC
The Hon Justice Anna Katzmann SC
The Hon Michelle Rowland MP
Katrina Rathie
Sandra Sully
Natasha Eves
Katherine Giles
Alexandra Britt Barkman

Michelle Gunn
Cate Nagy
Angela Flannery
Justine Munsie
Lauren Pelsner
Creina Chapman
Tasha Smithies
Julie Cheeseman

Annabelle Herd
Emily Jackson
Olga Ganopolsky
Anna Johnston
Kiah Officer
Larina Alick
Gina McWilliams
Emma Talbot

Georgie Austin
Zoë Hibbard
Sarah Stone
Jacquie Shanahan
Sarah Hoolahan
Keya McGeown
Alex Morrissey
Clare Gill

Madeleine James
Ali Shilkin
Priti Pasupuleti
Sunita Bose
Miranda Duigan
Sneha Balakrishnan
Parisa Hart

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JUNE 2023 – Volume 42, Issue 2

BAM! POW! A victory for Batman (and DC Comics)
Ashleigh Fehrenbach (Senior Associate), RPC

Is That You? Deep Dive Into Deepfakes
Dean Gerakiteys (Partner) Clayton Utz, Lex Burke (FTS Director), Clayton Utz and Natalie Coulton (Lawyer), Clayton Utz (and now at Paul Hastings UK)

Responsibility of OpenAI for Defamation and Serious Invasions of Privacy by ChatGPT
Dr Michael Douglas

CAMLA Young Lawyer Committee Event Report: Journalists' Privilege Webinar
Kristina Hewetson, Associate at Baker McKenzie and CAMLA Young Lawyer Committee Member

Stage 2 Part A Model Defamation Amendment Provisions: What to Expect in 2023 and Beyond
Adam Cutri (Partner) and David de Mestre (Associate), Bartier Perry Lawyers

Event Report: CAMLA Young Lawyers Networking Event 2023
Daniel Roe, Senior Attorney at The Walt Disney Company and CAMLA Young Lawyer Committee Member

The Value of Behavioural Experts in Misleading Representation Cases: Australian Competition and Consumer Commission v Google LLC (No 2) [2022] FCA 1476
Michael Baker (Solicitor) and James Keeves (Solicitor), King & Wood Mallesons

Implied IP Licences: Don't Get 'court' - High Court Rules in Favour of realestate.com.au
John Fairbairn (Partner) Lisa Jarrett (Partner), Belinda Alcock (Senior Associate), Lachlan McNamara (Associate), MinterEllison

Battle of the Bunnies - Trade Mark Action Taken by Lindt
Zeina Milicevic (Partner) and Anjali Nadaradjane (Associate), MinterEllison

Creative Differences – Intellectual Property Law and AI
Aaron Hayward (Senior Associate), Anna Vandervliet (Senior Associate), Byron Turner (Solicitor), Rachel Montagnon (Professional Support Consultant), Giulia Maienza (Associate), Peng Lei (Partner) and Alex Wang (Patent Attorney) – Herbert Smith Freehills

Reflections on the Ben Roberts-Smith Defamation Trial of the Century
Michael Cameron, National Editorial Counsel, News Corp Australia, and Marlia Saunders, Partner, Thomson Geer

A Tribute to Cath Hill
Eli Fisher

Non-uniform Legislation – Choice of Law Issues in Defamation Matters
Marlia Saunders (Partner) Isabelle Gwinner (Lawyer), Thomson Geer

Fireworks in the Federal Court: Katie Perry Triumphs Over Katy Perry
Dean Gerakiteys (Partner) and Antonia Wayne-Boyle (Lawyer) Clayton Utz

Profile: Richard Leder OAM
Interview with Alana Callus (Lawyer) Gilbert + Tobin

A Clearer View on Privacy, Australian Links and Biometric Data
Hamish Fraser (Partner) and Belyndy Rowe (Senior Associate), Bird & Bird

OCTOBER 2023 – Volume 42, Issue 3

AI Art and Entertainment: Are We Ready?
Nick Kraegen (Senior Associate), Baker McKenzie and Kelly Choo (Associate), Baker McKenzie

CLB Special Art Edition Interview with The Hon Tony Burke MP
Ashleigh Fehrenbach (Senior Associate), RPC

Fair Use and the Artwork Formerly Known as 'Orange Prince'
Marlia Saunders (Partner), Thomson Geer and Amelia C. (Associate), Thomson Geer

A Creative Career: Interview with Arts Law's CEO Robyn Ayres
Katherine Giles (Head of Legal and Operations), Arts Law Centre of Australia

Australian Government Poised to Introduce a New Sui Generis Legislative Regime to Protect and Enforce Rights in Indigenous Cultural Intellectual Property
Jane Owen (Partner), Bird & Bird

Interview with George McCubbin
Ashleigh Fehrenbach (Senior Associate), RPC

Current Trends in Litigating Value and Transparency in the Visual Art Industry
Dougal Phillips (Lawyer), Banki Haddock Fiora

Event Report: The 2023 CAMLA Cup

Interview with Richard Barnett
Belyndy Rowe (Senior Associate), Bird & Bird and Chair of CAMLA Young Lawyers Committee

Patterns of History: The Papunya Tula Art Movement
Chloe Hillary (Seconded Solicitor), Arts Law Centre of Australia

DECEMBER 2022 – Volume 42, Issue 4

Being this issue.

The CAMLA Board for 2023

President: Rebecca Dunn, Gilbert + Tobin

Vice Presidents
Martyn Taylor, Norton Rose Fulbright
Debra Richards, Netflix

Treasurer / Public Officer: Julie Cheeseman, Bird & Bird

Secretary: Rebecca Lindhout, McCullough Robertson

CLB Editors
Eli Fisher, Paramount Network Ten | Ashleigh Fehrenbach, RPC

Committee Members
Sylvia Alcarraz, Dentons
Chris Chow, Creative Lawyers
Gillian Clyde, Beyond International
Jennifer Dean, Johnson Winter & Slatery
Katherine Giles, Arts Law Centre of Australia
Emma Johnsen, Marque Lawyers
Nicholas Kraegen, Baker McKenzie

Marina Olsen, Banki Haddock Fiora
Nicholas Perkins, Ashurst
Marlia Saunders, Thomson Geer
Katherine Sessions, Office of the eSafety Commissioner
Calli Tshipidis, Fox Sports
Tim Webb, Clayton Utz

CAMLA YOUNG LAWYERS FOR 2022

Chair: Belyndy Rowe, Bird and Bird

Vice Chair: Nicola McLaughlin, NBN

Secretary: Erin Mifsud, eSafety Commissioner

Committee Members
Isabella Barrett, Corrs Chambers Westgarth
Anna Glen, ABC
Kristina Hewetson, Baker McKenzie
Lucy Hughes, Stan
Kathy Janevski, Canva
Justin Kardi, Clayton Utz
Dominic Keenan, Clayton Utz
Imogen Loxton, Ashurst
Tess Mierendoff, Herbert Smith Freehills
Jess Millner, MinterEllison
Laksha Prasad, Marque
Daniel Roe, The Walt Disney Company
Alana Callus, Gilbert + Tobin
Lewis Graham, Allens

