

Zoe Bateman

Executive Counsel, Nine

Sophie Meixner, lawyer, Thomson Geer, chats to **Zoe Bateman**, Executive Counsel at Nine Entertainment Co. Zoe is based in Melbourne, where she advises on various editorial and commercial legal matters across the television, digital and publishing sides of the business. She was at Corrs for 6.5 years before moving to Linklaters in London for a few years. Zoe then went in-house, to work as a Senior Legal Counsel at the BBC in London, before she was pulled back to Australia to work at Network Ten and later Nine.

SOPHIE MEIXNER: Thanks so much for making the time for this interview, Zoe! Can you tell me about your career path and how it led you to where you are today?

ZOE BATEMAN: I started my career as a graduate lawyer at Corrs Chambers Westgarth in Melbourne, and subsequently qualified into the media team within the Litigation department.

At that time, a series of murder trials arising from the gangland wars were taking place in Melbourne. I recall vividly rushing down to court at short notice with other lawyers to appear on behalf of various media clients in order to oppose a suppression order or to request access to a salacious document that had been tendered to the court. The judges presiding over these trials never seemed particularly pleased when they saw the media lawyers bursting through the door, but it was a real rush for us.

I really enjoyed my time as a junior lawyer through to Senior Associate at Corrs – working on a variety of interesting media and commercial law disputes and matters, with some fantastic lawyers, some of whom are now my closest friends. After 6.5 years at the firm, London was calling, and my husband and I moved there for work for just under four years.

While in London, I worked for just over two years as a Managing Associate in the Litigation department at Linklaters LLP. This entailed managing a team of lawyers to defend the “Phone Hacking” class action on behalf of News UK and advising the business on associated risk management issues. It was a fascinating time to work in media law in the UK. The Leveson Inquiry into the culture, practices and ethics of the British press had just taken place, with some damning findings about the unlawfulness of newsgathering techniques undertaken by journalists at the now defunct *News of the World* newspaper. There was an increased focus on compliance and corporate risk management within media outlets, as well as significant developments in the UK’s privacy laws.

I subsequently landed my “dream job”, working for the BBC as a Senior Lawyer in the Editorial Legal Department. I advised on various media disputes and provided pre-publication advice. My favourite part of the role was being rostered onto “news duty” at Broadcasting House (the BBC’s headquarters

in central London), where I was able to attend the daily news conference and witness the senior editorial staff setting the news agenda for the rest of the world (and secretly hoping to make a cameo appearance on BBC News!).

After just over a year in that role, my husband and I were called back to Melbourne – the lure of partnership for him was too strong and our Melbourne-based families were also campaigning for our return.

Upon returning to Melbourne, I was employed as Senior Legal Counsel at Network 10 (now Paramount). The role involved providing pre-publication advice in relation to several flagship programs broadcast by the Network (including, in particular, *The Project*) as well as dealing with complaints and advising on various agreements.

After this, I worked as an in-house lawyer in the arts sector, as a Senior Lawyer and Risk Adviser at Museums Victoria. This role entailed providing legal and risk advice across the organisation’s five exhibitions and events venues. I drafted, negotiated and advised on a variety of agreements and Intellectual Property licenses. Through this role, I became really interested in commercial legal work.

At the start of 2022, I was offered an opportunity to return to the media sector (which is where my passion lies) and started my current role as Executive Counsel at Nine Entertainment Co. In this role, I work across both editorial and commercial parts of the Legal team. I provide prepublication advice to journalists, producers and editors on content produced by the television, publishing and digital areas of the business. This includes providing advice on areas of law such as defamation, contempt of court, copyright infringement and various regulatory issues. I also draft, negotiate and advise internal stakeholders on various agreements, including production agreements, commissioning agreements, talent and contributor agreements, leases and licenses, and general services agreements.

I have also recently completed a Master of Laws degree at the University of Melbourne, specialising in Media and Communications Law. I have to concede that, during the course, I became THAT impossibly enthusiastic post-graduate law



student whom we all remember from law school. It was a fantastic course – taught by industry experts – and one that I would highly recommend to any media lawyer who would like to expand or fine tune their legal knowledge in these important areas.

SOPHIE: You spent significant time working overseas at Linklaters and the BBC in London. What are the key differences between working as a lawyer in the UK versus Australia?

ZOE: The legal systems in the UK and Australia are quite similar. Australia’s common law system was largely derived from the UK system and so the court procedures and the common law causes of action are comparable.

There are however some differences in the civil procedure rules, legal terminology, elements of the causes of action and structure of the court hierarchies. I had to familiarise myself with these differences very quickly after I was thrown into the deep end when starting in the very busy Litigation department at Linklaters back in 2013!

One key difference is that the UK has a cause of action for misuse of private information, while Australia does not. The existence of this privacy right (which is often utilised by celebrities and other high-profile figures) certainly expanded my workload as a litigation and prepublication lawyer in the UK. In Australia, it does seem likely that the government will introduce a statutory tort for serious invasion of privacy. This is despite submissions from various media industry groups – including those representing Nine – opposing the introduction of such a tort, on the basis that current laws provide sufficient protection and that it would have a ‘chilling’ effect on public interest journalism in Australia.

A further difference between the Australian and UK jurisdictions is that, in theory, the

UK legal profession is less clearly divided between barristers and solicitors. When you qualify to practise as a solicitor in the UK, you also automatically qualify as a barrister. In practice however, most UK lawyers practise as either a solicitor or a barrister, and not as both.

Another quirk of the British legal profession, which I learnt when working in a UK law firm, is that you are not required to hold a law degree in order to practise law in the UK. You can qualify as a lawyer as long as you hold an approved undergraduate degree (which can be in a discipline other than law) and complete a qualifying exam as well as a two-year training contract in a law firm.

My overall takeaway from working as a lawyer in the UK is that Australian lawyers are highly valued – we work hard and play hard!

SOPHIE: Describe a typical day in your job.

ZOE: I normally start the day by having a quick glance at my emails, to check whether there is a morning television breakfast script or a digital article that has come through overnight for urgent legalling.

After the standard morning hustle of getting two children fed, dressed and out the door (to school and kinder respectively), a task which my husband and I share, it is then either back to home to work for the day or into the office (Nine's Melbourne offices are located in the Docklands).

When working in the office, I am often located in *The Age's* newsroom. This is an exciting space to work in, as I can witness the daily news cycle unfold and be present for all of the breaking stories of the day. *The Financial Review's* Melbourne bureau is also on this floor and the *9News Melbourne* newsroom is the level below. Being in close proximity to these newsrooms is really helpful for the prepublication work that I undertake, as it means I have easy access to the reporters and editors I am advising.

When I am in the office, I normally have coffee or lunch with my other two Melbourne-based colleagues in the Legal team. We get along really well and will discuss anything from the matters we are working on, to weekend plans, to our latest online shopping purchases or which teams are dominating in the AFL. The rest of the legal team is based mainly in Sydney, with a couple of lawyers in Adelaide and the Gold Coast respectively. Despite our varied geographical locations, it is a very cohesive team, and we catch up regularly through online meetings and, where travel allowances permit, in person.

During the course of the day, I will generally undertake a mix of commercial drafting and advice work, interspersed with responding to prepublication queries and dealing with editorial legal complaints. The variety of work keeps things interesting and gives me access to a broad range of internal stakeholders across the business, which I really enjoy.

If I am working from home for the day, I will try to squeeze in a school or kinder pick up, so that I can spend some quality time with my children and hear about their days. Otherwise, I will try to fit in a run (I live in the inner bayside area and so a run along the beach is a real luxury) or a quick gym session, to help clear my mind and maintain motivation levels. Then it is back to my desk to help with the end of day/early evening news deadline rush.

SOPHIE: The theme for International Women's Day 2024 is #InspireInclusion – what does the Nine legal team do to inspire inclusion and why do you think it's important?

ZOE: I think #InspireInclusion is an excellent theme for International Women's Day. To inspire inclusion means to celebrate diversity and to promote the empowerment of women, both of which play crucial roles in achieving gender equality.

Nine promotes inclusivity by striving to attract, retain and develop a workforce that reflects the diversity of the Australian community.

Within our Legal team, this inclusivity is entrenched by, for example, the adoption of policies which recognise the value of workplace flexibility. This is very important, as it allows working mums (and working parents generally) to maintain successful careers while also playing an active role in their children's lives, and, by doing so, it helps to achieve gender equality in the workplace.

More than 50% of the lawyers in Nine's in-house legal team are women and our General Counsel (Rachel Launders) is a strong champion of women and gender equality, which sets the agenda for the rest of the team.

SOPHIE: One of the roles you do at Nine is giving prepublication advice – what do you like about that task and what do you find challenging about it?

ZOE: The appealing aspects of providing prepublication advice work are that it is:

- diverse – no article, script or video that is sent through for a legal check is the same as another;
- interesting – it can involve engaging in complex considerations and navigating multiple legal issues;
- efficient – given the tight deadlines and large volume of work, you learn to be efficient in providing the advice and to ensure your communications are succinct and clear; and
- productive – it is always satisfying, after having legalised several stories in a day, to later read the finished product in the paper or online or watch it on the news.

The more challenging aspects of prepublication advice work are that it is:

- fast paced - and can be quite unrelenting at times;

- non-standard in terms of the hours involved - queries can come in at all different times of the day and night; and
- unpredictable – it can be difficult to anticipate how busy each day will be as it varies according to the news cycle and the kinds of stories that are breaking. This means it can be challenging to plan around this kind of work.

SOPHIE: You also do commercial work for Nine – what's one of the most fulfilling deals you have worked on?

ZOE: Late last year, I worked on some high-profile talent agreements which were integral to securing a new presenting lineup for 9News in one of Nine's key markets. This involved shifting from having a single anchor to present the weekday evening news – who was much loved and had been in the role for a very long time – to having two new co-hosts take on the role.

It was a time pressured situation as the Network planned to announce the new lineup – which was to take effect at the start of this year – before Christmas. I had to draft the agreements, negotiate the terms with each of the respective talent's own lawyers or agents, and ensure the agreements were finalised and executed, all within a short timeframe.

It was an exciting and rewarding matter to work on as we met the Network's tight deadline for finalising the deal, and the new hosting lineup was very well received within the company and by our audiences.

I also recently finalised a format production agreement with a major production company in relation to a game show program which is being filmed in Melbourne. It was a really interesting process to draft, negotiate and finalise the agreement with the production company, and it involved taking instructions and feedback from several internal stakeholders within the business (including from the television production, marketing, publicity and digital teams within Nine).

SOPHIE: If you could only read one book for the rest of your life, what would it be?

ZOE: *Wuthering Heights* by Emily Brontë – a classic novel with which I became obsessed when I was studying it for an English Literature subject in year 12. The evocative language used by Brontë to describe the elemental relationship between the main characters, Cathy and Heathcliff, and life on the haunting English Moors was enthralling to me as a (fairly naive) 17 year old girl.

The book is particularly apt to mention in the context of International Women's Day because of its female author who, due to the constraints of society at the time, adopted a male *nom de plume* but was posthumously celebrated as one of the pioneering female authors of her time.

SOPHIE: Thanks so much Zoe. Happy International Women's Day!