

Jacquie Shanahan

General Counsel and Company Secretary, Isentia

Justin Kardi, Intellectual Property and Technology lawyer, Clayton Utz, talks with **Jacquie Shanahan**, General Counsel and Company Secretary of Isentia Group, about Jacquie's career, recent developments in the media and communications law landscape and the people and things that are inspiring her this International Women's Day. Jacquie is a corporate commercial lawyer with over 20 years of experience in corporate governance, legal and regulatory compliance and risk management. Prior to joining Isentia, Jacquie held company secretarial and legal roles with subsidiaries of United Parcel Service of America, the ASX listed Roc Oil Company and RGA Reinsurance Company of Australia.

JUSTIN KARDI: Thanks for your time, Jacquie. Can you start by telling us about your role and what a typical day looks like for you?

JACQUIE SHANAHAN: When Isentia was an ASX listed company, my role as company secretary was my focus and my priorities were supporting the Isentia board and managing compliance and governance. Following Isentia's takeover by London Stock Exchange listed Access Intelligence Plc in late 2021, I have been able to refocus my attention on supporting the commercial aspects of the Isentia business and my General Counsel role is now the priority.

Isentia is a media monitoring organisation with sales teams in all major cities in Australia, as well as in Wellington New Zealand, Singapore, Jakarta, Bangkok, Manila, Ho Chi Minh and Kuala Lumpur, and operations and engineering teams across the globe. A typical day can involve responding to commercial and/or legal issues in any one of these jurisdictions in relation to a range of matters including sales contracts, supplier terms, copyright and other intellectual property licensing, operations issues, property leases and employment contracts. In addition to this there is managing oversight on trade mark registration, any litigation and privacy and data compliance.

No day is a typical day and I remain fairly dependant on external law firms for specialist advice and support.

JUSTIN: What recent events in the Australian media and communications law landscape have most affected Isentia?

JACQUIE: The ACCC's work on digital platforms leading to the creation of the News Bargaining Code was critical for Isentia. It meant that digital platforms are now compelled to remunerate publishers for the use of the publisher's content. Isentia has been remunerating publishers through licensing and supply

arrangements for decades so for many years it was frustrating to see almost identical use of content being used for commercial benefit of the digital platforms at no cost.

The News Bargaining Code has levelled the playing field to some extent but there are still challenges to the level playing field and some of those challenges rest with the publishers themselves allowing a level playing field. It has to work both ways.

Isentia was also recently involved in proceedings in the Copyright Tribunal of Australia which resulted in a determination that was then subject to judicial review by the Full Federal Court. Together the Tribunal and Full Federal Court decisions are important authorities on the scope of the Tribunal's power to order licence terms. They also highlight a number of key matters that should be carefully considered when developing a strategy for copyright licensing negotiations. The Tribunal's determination was also the first decision of the Tribunal to apply the ACCC's Copyright Guidelines since their publication in 2019.

I feel proud to have been involved in proceedings which led to legal precedents which will serve as a guide to the media and communications industry well into the future.

JUSTIN: That is the sort of satisfying achievement that would be a highlight in any legal career! Thinking about your career to date, is there anything you have learnt that you would like to give as advice to your younger self?

JACQUIE: Back yourself. Acknowledge the skills that you have learnt and earned and trust yourself to use them with courage and confidence.

JUSTIN: As a leader in the field of corporate commercial law, can you share with us an example of another woman in the legal industry whom you really admire, and why?



JACQUIE: Actually, I am going to name three.

The first is Justice Jayne Jagot. On the Federal Court, Justice Jagot presided over a number of matters I have been involved in. The most recent being the handing down of the Full Federal Court judgment referred to above. The timing of the delivery of the judgment took us by surprise but was explained the following day when Justice Jagot was announced as the latest appointee to the High Court of Australia. As members of the profession in NSW we have to admire Justice Jagot's achievements and progress through the profession leading to this appointment. It would also be remiss not to celebrate, as part of International Women's Day in 2023, the fact that, with Justice Jagot's appointment, the majority of High Court justices are women for the first time in its 121-year history.

The second is Gina Cass-Gottlieb, whom you featured in last year's special International Women's Day edition. I have sought Gina's advice on a number of matters over the years and never ceased to be amazed at her cool, calm and insightful delivery of advice. Her grasp of the business need or commercial issue at stake and then her capacity to articulate the most complex legal issues in a measured and practical way are truly admirable. Gina makes even the delivery of the advice you don't want hear seem acceptable! Competition regulation and the ACCC are in safe hands with Gina at the helm.

Lastly, I am calling out the Hon. Michelle Rowland MP, Minister for Communications, whom you are featuring in this year's special International Women's Day edition. I have read in detail the speech she gave to CAMLA on Media Policy: Priorities for a New Government and admire her commitment to ensuring all Australians have equitable access to media services and content regardless of how much they earn or where they live. Her support of a level playing field for Australian media businesses in which they can compete effectively also resonates for me and my role at Isentia.

JUSTIN: Finally, if there is one thing you would like to celebrate about the legal industry on International Women's Day, what would it be?

JACQUIE: When I entered the profession over 25 years ago the opportunities outside a professional law firm practice were limited and, where they existed, these roles were not given the respect

they deserved. I think we can celebrate today the diversity of opportunity that now exists in the legal industry. This diversity has largely been driven by women forging new pathways to accommodate flexible working needs well before the pandemic forced this upon us. At the same time the professionalism and skill women have brought to these changing roles means

the roles command respect and their value is recognised. Opportunities for women (and men) in the legal industry are now limitless and extend across all industries, the arts and government as well as private practice.

JUSTIN: Agreed! Thank you so much for sharing your time and insights with our readers!

Sarah Hoolahan

Associate General Counsel (ANZ), Meta

Jess Millner, Senior Associate at MinterEllison, speaks to **Sarah Hoolahan**, Associate General Counsel for Australia and New Zealand at Meta. Sarah supports Meta's operations in the ANZ region, advising on a broad range of legal subject matters but with a particular focus on regulatory matters, litigation, and consumer issues. Prior to joining Meta, Sarah was a Senior Associate at Allen & Overy in Sydney, specialising in competition and consumer protection.

JESS MILLNER: I imagine your role at Meta is busy and exciting. What does a typical day look like for you?

SARAH HOOLAHAN: It certainly is! As an Associate General Counsel for Meta covering Australia and New Zealand, my role involves advising on all sorts of legal matters impacting the business in this region – from litigation and regulatory inquiries, to counselling on product launches, navigating law reform and the evolving intermediary liability landscape, and everything in between. It's an incredibly diverse and constantly-changing role, which means there really is no 'typical' day.

The culture at Meta is deeply collaborative and I'm fortunate to work closely with so many brilliant legal and business minds. Much of my days are spent in meetings with colleagues in both legal and cross-functional teams, as we navigate our approach to a myriad of interesting (and challenging!) legal and regulatory issues.

JESS: With that in mind, how do you unplug from work?

SARAH: A few things come to mind:

Spending time with my husband and our two kids. Kids have an excellent way of commanding presence! My 5 year old daughter often takes it upon herself to shut my laptop and say: "Don't worry Mum, you can do it tomorrow"... and she often gets it right.

A pilates class to disconnect, or something as simple as a quiet cup of coffee outside in the fresh air.

As much as I have loved the flexible way of working over the past few years, I've found returning to the office a few days a week a great way to build better boundaries. Somehow, shutting the laptop and physically leaving the office at the end of a day really helps to unplug.

JESS: Did you always expect to end up in an in-house role at somewhere like Meta? How did your career path lead you there?

SARAH: I was a senior associate in a competition law practice and loved the work – but had a feeling that I'd eventually end up in-house. When an opportunity to work at Meta came up I jumped at it. It was a great chance to both further my experience in areas that I knew and loved (competition, consumer protection, regulatory) and dabble in many new and exciting areas. No two days have ever been the same in this role, and I've loved the variety and the challenges.

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

SARAH: Trust yourself!

JESS: What developments do you see on the horizon in 2023 for the communications and media legal landscape?

SARAH: I think we'll see a lot of focus in 2023 on consumer interactions online – including through cybersafety and regulation of online content, and consumer protection measures. It's a fascinating time.



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

SARAH: To me, International Women's Day is about celebrating the achievements and successes of all women in the profession, whatever path they may be on. There's so much to celebrate... New graduates entering the profession; seeing balance in the workforce; and witnessing women supporting other women.

JESS: Who is one woman in the industry whom you really admire, and why?

This is a tough one, because I have so much admiration for the women I work within the tech space. I'm fortunate to be supported by a truly wonderful network of lawyers at Meta, both within the legal team and across the outstanding law firms we work with. Most of all, I count Sophie Malloch, Meta's Legal Director for Australia and New Zealand as a mentor. She's an outstanding lawyer and fundamentally a good person who has taught me so much about law, leadership, and managing the juggle of career, family, and everything else in life.