

# Rebekah Giles

Principal, Giles George

**David de Mestre**, Senior Associate in Bartier Perry's commercial disputes and litigation team spoke with **Rebekah Giles**, principal of Giles George about Rebekah's incredible career as one of Australia's leading media lawyers.

After over 20 years in Australian and international top-tier practice, at the commencement of the pandemic Rebekah created her eponymous law firm, Company (Giles), where she quickly earned the title of Australia's leading reputational risk lawyer. Rebekah has acted for Australia's highest-profile litigants in some of the most widely publicised and impactful defamation cases, from sports players and celebrities to politicians including Christian Porter, Senator Hanson-Young and Brittany Higgins to name a few. Rebekah is also eminently experienced in other areas of media law and reputational risk management, including online harassment and falsehoods, privacy & breach of confidence as well as investigations and inquiries into alleged misconduct. Both Rebekah and her firm have received industry recognition by Chambers and Partners, Legal 500, Best Lawyers and Global Law Experts (amongst others). On 1 March 2024, Company (Giles) became Giles George to recognise the joinder of industry leader and author of *Defamation Law in Australia*, Patrick George.

**DAVID DE MESTRE:** Rebekah, thank you for giving your time to this special International Women's Day edition of the CAMLA Communications Law bulletin. When thinking about the female leaders in this industry, your name immediately springs to mind. To start, can you tell us how your interest in media law first came about?

**REBEKAH GILES:** Through my time at Minter Ellison and Kennedys working with Patrick George, I came to work on defamation claims. My first experience was acting for the Olympics boss, John Coates against radio broadcaster, Alan Jones. Very quickly I gravitated towards these cases and less towards the run of the mill commercial disputes. To borrow from Lord Nicholls in *Reynolds* "once besmirched by an unfounded allegation in a national newspaper, a reputation can be damaged forever, especially if there is no opportunity to vindicate one's reputation." These cases are all or nothing for our clients.

**DAVID:** Looking back, would you do anything differently or give your younger self any advice?

**REBEKAH:** Of course! I could give you a list chronologically or alphabetically.

Most of them relate to fashion, beauty and boyfriends, however. To keep it

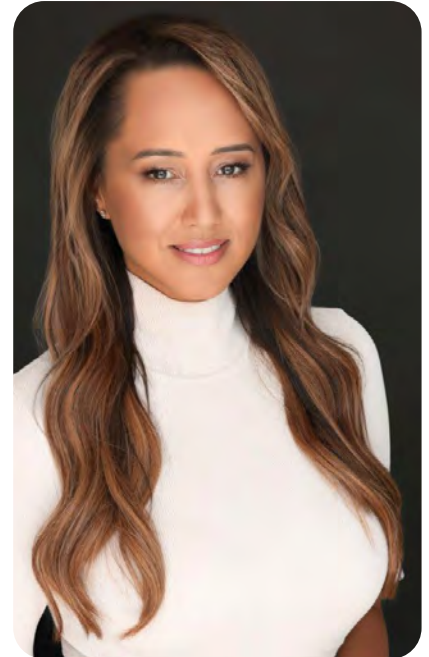
work related, I wish that I had worked less - taken a gap year, a sabbatical, more holidays. I didn't realise that as I advanced the opportunity to do this would decrease. I was in such a rush to get qualified, be promoted and chase work.

The work we do is so consuming, and we are very much needed by our clients. Burn out is a real risk. I have to make a concerted effort to carve out time to rest and spend time with the people I love.

**DAVID:** The 2024 International Women's Day campaign theme is 'Inspire Inclusion'. Can you please tell us about your experiences of inclusion and what it means at your firm?

**REBEKAH:** There is certainly a club on Phillip St populated by privileged Anglo-Saxon males from private schools. I am, self-evidently, none of those things so I can tell you that the opportunities that were given to me were from people along the way who employed me, promoted me, mentored me and retained me despite not fitting the mould. At Giles George, we absolutely celebrate the women in our firm - for so long we were a female-only practice - although not by design.

I remember acting in a mediation in a high-profile matter for a female plaintiff. I sat on one side of the conference table



with four other obviously diverse women across from five males on the other side, and while I'm contractually prevented from telling you what happened at that mediation - it was a great moment of empowerment that I will never forget.

**DAVID:** As a risk management lawyer, you are probably pretty risk averse. That said, please tell us about the biggest risk you've ever taken in your career. Did it pay off?

**REBEKAH:** I am risk averse at times but not always. Often big and bold steps need to be taken for our clients that carry significant risk. Is there any greater risk than commencing defamation proceedings for an individual against the fourth estate and their deep pockets?

No doubt my greatest personal risk was to leave the comforts of my partnership at Kennedys and go out on my own with such a unique offering. I had a genuine belief that there was a market for a specialist reputational risk firm given the impact of social media and a range of other factors. The firm is doing well and being able to work with my mentor, Patrick George, again is a career highlight for me.

**DAVID:** There have been widespread changes to Australia's defamation, privacy and media laws over the past few years. What have you noticed in terms of changes to Australia's media, entertainment and political sectors arising from these reforms?

**REBEKAH:** Overwhelmingly, the changes affect small claims that do not involve the media - the one exception being concerns notices. The battleground of concerns notices is a disappointing development,

## Contributions & Comments

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which increase cost – to the detriment of the media – and form an obstacle to early resolution of claims. The introduction of serious harm was never going to impact media cases and anyone who thought otherwise was mistaken.

**DAVID:** Are there any changes to Australia's laws not currently being implemented or considered that you would like to see?

**REBEKAH:** We say we have 'uniform' defamation legislation but, because Western Australia and the Northern Territory have not adopted the 2021 reforms, the law is not uniform across Australia. We should have a Commonwealth Defamation Act.

The default position should be that the question of meaning (whether the publication conveys the pleaded imputations) should be determined as a separate preliminary question (as tends to occur in the UK). This avoids the risk that defences are pleaded and run throughout the proceedings and at trial, only for the court to then determine that the imputations were not conveyed in the first place. If the separate question of meaning is resolved in favour of the publisher, the case is ended; if it is resolved in favour of the claimant, then all parties can proceed speaking a common language, with a shared understanding of what the publication has been found to mean and therefore what would be required for the publisher to successfully defend it. And this can also be the catalyst for earlier settlements.

Also, I think the interplay between ss 9 and 10A should be re-visited. Section 9 provides that corporations do not have a cause of action unless they are an 'excluded corporation', which includes corporations whose objects do not include obtaining financial gain, but s 10A provides that such excluded corporations do not have a cause of action unless they can show 'serious financial loss'.

The concerns notice provisions should also be re-visited. They have resulted in unnecessary arguments about whether concerns notices are valid, in what risks becoming a triumph of form over substance.

**DAVID:** In your role you have found yourself in the media spotlight as the lawyer for Australia's highest-profile community members. Has your own experience with the media changed the way you work with your clients or the advice you give them?

**REBEKAH:** Yes, it's not just about being in the spotlight. It's about having more direct interaction with journalists that gives me an insight into their perspective that assists me with advising clients.

**DAVID:** Finally, can you tell us about some women in the industry who inspire you and why?

**REBEKAH:** There are many to choose from – from journalists who diligently report on media law cases with competency

and accuracy like Michaela Whitbourn, to Registrar Susan O'Connor who thinks outside of the square to resolve at mediation the most difficult of cases.

The standout – which will be no surprise I'm sure – is Sue Chrysanthou SC who fights hard for our clients – no matter who they are – while managing honey harvests, 4 young children and nursing a menagerie of injured wildlife around the clock.

She shares my disdain for those who abuse their power to the detriment of others. She is the daughter of immigrant parents and has worked harder than anyone I know. I have enormous respect for her and everything she has achieved – including her shoe collection.

Her energy, intelligence and sharp wit get me out of bed every morning – quite literally – we do like an early morning phone call!

**DAVID:** Thanks Rebekah! On behalf of the CLB's readers, I'm really grateful for your insights. Happy International Women's Day!



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