

CAMLA Integrity in Sports Seminar: Ensuring Fair Play for Our Sports, Our Players and Our Brands

Report by Calli Tspidis, Junior Legal Counsel at FOX SPORTS Australia

On Thursday 21 March, CAMLA held its Integrity in Sports Seminar at the offices of HWL Ebsworth Lawyers. The event was proudly organised by the CAMLA Board and moderated by Rebecca Lindhout (HWL Ebsworth Lawyers and CAMLA Board Member 2019). The speakers for the Seminar included **Joe Collins** (General Manager Integrity & Senior Legal Counsel, NRL), **Simon Hill** (Football Commentator and Journalist, Fox Sports Australia) and **Melissa Hopkins** (Head of Consumer Marketing, Optus).

In the wake of numerous off-field incidents across sporting codes and the release of the Government's response to the Wood Review, the timely seminar provided attendees with unique insights into the interplay between commerciality, legality, brand and geopolitical influences – particularly, how these factors have shaped,

and continue to shape, decision-making within sporting bodies and partner entities.

Joe, Simon and Melissa each brought a unique flavour to the Seminar, drawing on their personal and professional experiences, inciting a flurry of questions from attendees – making for a captivating panel/audience discussion. The seminar ultimately highlighted how the power of the public, media and leadership (both political and within sporting bodies) has a significant impact on how, and whether, standards of integrity in the professional sporting area are upheld and protected...or not.

The CAMLA Board would like to extend its thanks to the speakers for sharing their time, insights and expertise, and to HWL Ebsworth who hosted the event.

Defamation Seminar 28 March 2019

Report by Antonia Rosen, Banki Haddock Fiora

On 28 March 2019, CAMLA presented its defamation reform seminar, hosted by Johnson Winter & Slattery. The focus of the seminar was the February 2019 Review of Model Defamation Provisions Discussion Paper by the Attorneys-General Defamation Working Party. The paper sets out a series of questions which seek to address the continued validity of the policy objectives of the Model Defamation Provisions. The seminar was conducted under Chatham House Rules.

The seminar was led by a panel of esteemed persons within the field, consisting of Gail Hambly, General Counsel of Fairfax for 20 years, her Honour Judge Judith Gibson of the District Court of New South Wales, Professor David Rolph of the Sydney University Law School, Larina Alick, editorial counsel at Nine, and Matthew Lewis, specialist defamation counsel at Five Wentworth Chambers. The moderator was Kevin Lynch, a partner at Johnson Winter & Slattery, who guided the panel with interesting questions interspersed with comic relief.

The seminar was well attended with many notable figures within the field present. The NSW Department of Justice was also represented and made some brief comments at the outset in respect of the timetable for public consultation and drafting. The current objective is that an agreement be achieved on the new national law by mid-2020. Further information is available on the Department of Justice website.

The panelists were given the opportunity to express their views in respect of the various areas of reform. In this respect, the discussion was largely guided by the

18 questions posed in the Discussion Paper, including the catchall in question 18. The usual suspects were addressed including, the ability of corporations to sue, the impotence of the current contextual truth and statutory qualified privilege provisions, as well as the prospect of a serious harm threshold and a single publication rule. It was suggested that the statutory cap on damages is sufficient and the recent headline cases such as *Wagner & Ors v Harbour Radio*, *Wilson v Bauer Media* and *Rayney v State of WA* were, on their facts, exceptions rather than the rule.

The catchall question gave rise to some interesting comments. It was noted that notwithstanding the uniform law, inconsistencies between the State jurisdictions remained, for example with respect to the Hore-Lacey defence (there may also have been a joke about dead people in Tasmania). Of course, the current trend of commencing cases in the Federal Court was addressed, including the inconsistencies between the Federal and State jurisdictions with respect to juries, the docket system and the case law. It was suggested that perhaps these issues may be dealt with by Federal legislation. It was also noted that the current legislation in respect of defamation is insufficient (and perhaps not the right vehicle) to address the manner in which the internet is increasingly being used by often unaccountable individuals to harass others.

The seminar provided some excellent insights into the kind of reforms that should be considered. The insights will no doubt be the subject of many submissions to the Working Party.