

# Profile: Fiona Lang

## COO of BBC Worldwide Australia

In a new feature for the Communications Law Bulletin, Daniel Doctor, a member of CAMLA's young lawyers committee, chats to Fiona Lang, the new COO of BBC Worldwide Australia and New Zealand, about her new role and what she sees as the key challenges and trends in the Australian media industry.

### **1. You've recently been appointed to the role of Chief Operating Officer for BBC Worldwide Australia & New Zealand where did you start and how did you get to where you are?**

I started out working in mergers and acquisitions at Freehills. I spent a bit of time working overseas (at Hogan Hartson & Raue, Berlin) and then returned to Gilbert + Tobin Lawyers in Sydney.

It was only very recently that I went in-house. Two years ago, I saw the Head of Legal position advertised at BBC Worldwide, and thought it would be quite a unique opportunity to get more deeply involved in media work. BBC Worldwide, is the international arm of the BBC and has a combination of public broadcasting considerations and commercial imperatives.

It is also a diverse business with an equally diverse range of legal work, including commercial, M & A, regulatory and intellectual property aspects. Our main business activities include subscription television channels on Foxtel (BBC First, UKTV, BBC Knowledge, BBC World News, CBeebies), a strong television sales distribution business and commercial brand exploitation (such as around live events, like the Doctor Who Symphonic Spectacular, consumer products and retail).

In my new role I will continue to work across the business, but will have a broader corporate advisory and strategic role in harmonising and harnessing the value of the company's activities.

### **2. What are the key regulatory challenges that will continue shape the media industry in Australia (and are they different at all to the challenge of doing business overseas)?**

The questions of who owns our media and who is subject to the regulation of the content provided to audiences will continue to shape our industry. These are separate but related issues.

As we know, traditional media ownership is more concentrated in Australia than in many western countries which have larger populations and closer geographical proximity. Equally, media ownership restrictions here

are far more extensive than many other jurisdictions. This is the subject of ongoing debate in the context of convergence, in which traditional broadcasters face increased competition from online media platforms which are not the subject of ownership laws.

Another aspect of convergence is, for example, that potentially the same content may be delivered online by an unregulated digital provider and by an Australian broadcaster to the same audience. We are yet to fully work out the appropriate regulatory implications of this for the future.

### **3. In recent times there has been a lot of discussion around the issues of convergence – including mooted changes to regulators and the nature of regulation. Are these still live issues for the industry and what needs to be done from a regulatory perspective to bring the law in line with the reality of media businesses today?**

Yes, these are live issues and I think we will continue to see them in the legislative spotlight for some time. Convergence of media impacts upon many areas of our legal and regulatory system. Reforms to the entire framework of media legislation really need to be considered to allow issues that are relevant to the regulation of content and delivery platforms to be brought into line with the changed media environment. While this was the spirit of the Convergence Review, the scope needs to be even broader – covering areas like anti-siphoning, the use of unallocated broadcast spectrum, copyright – to ensure that not only the ways in which content is regulated across platforms, but the whole media competition landscape, is considered holistically and appropriately. Through the Federal Government's 'Deregulatory Roadmap' for Communications (just released) and statements made by the Attorney General, Brandis, around copyright and piracy, some of these broader issues are making their way to the Government's agenda.

These views have been expressed by ASTRA, the peak industry body of subscription television industry that actively represents BBC Worldwide on regulatory and policy issues impacting us.

**4. If convergence was the buzz word of yesterday, perhaps 'privacy' and 'data breaches' of today, what is the issue for the media industry for tomorrow?**

The 'discovery' of programming content and the associated issues relating to the surfacing of content on platforms are likely to gain increasing attention. The issue facing providers is how best to bring their content to the attention of the audience amidst the multitude of available offers and platforms. There is a need to seek solutions that go beyond the traditional media models based on offering a branded, curated offering.

We are already starting to see that broadcast and IPTV platforms are looking into set top box functionality which provides viewers with content suggestions and recommendations based on their existing viewing choices, rather than the traditional broadcast schedule programme set around primetime viewing. We are likely to see other interesting forms of disaggregation and dis-intermediation as providers seek to optimise the discovery of their content.

**5. Media organisations are subject to the rules of a number of regulators (ACMA, ACCC, media codes of conduct etc). What changes would you like to see made to existing regulation?**

I think changes need to be made to the regulation of competition in the media industry. We have, for example, two regulators – the ACCC, which has a clear regulatory philosophy based on enforcement and ACMA, which has a regulatory philosophy based on self-regulation, co-regulation and enforcement and codes. The ASTRA Codes which are regulated by ACMA contain provisions dealing with consumer protection that are also covered by the ACCC. Similar overlaps exist outside of the ACCC (such as in the case of privacy).

These kinds of overlaps are confusing, unnecessary and result in duplication of compliance costs.

**6. What are some of the key commercial pressures that you see facing your business and this industry specifically?**

The most significant commercial issue faced by the Australian media industry is the accessing of content through piracy and geo-circumvention before legal availability in Australia.

We hear much about Australia having comparatively high levels of piracy. The commercial reality is that piracy hurts the industry at every level; it undermines the investment in content for Australian audiences, which supports the employment of and reward to artists and other rights holders creating that content.

**7. What are the legal risks that are unique to your industry?**

Following on from the above, the biggest legal issue is the need for effective legislation that addresses illegal downloading of content in Australia. Our legislation is unfortunately lagging behind other jurisdictions in

this respect, and the risks of failure to provide effective reforms are great to our industry.

**8. What do you look for in effective legal advice? How do you think young lawyers can equip themselves to get closer to the business they are advising?**

I look for lawyers who go beyond providing a clear legal opinion by adding additional value to my matter, such as offering insights and updates on what others in the industry are doing and suggesting creative solutions to problems.

Young lawyers should follow the developments and trends in the media and telecommunications industry and think about how these apply to their clients. Professional organisations like CAMLA and IPSANZ play such an important role in this respect!

**9. What advice do you have for young lawyers wanting to work in-house ?**

My advice would be to really understand and appreciate the independence required of legal counsel. When you are working in-house it is important to know and understand the business you are working for and work in a kind of partnership with the business. In that partnership, you can offer value by keeping an independent head, which permits you to challenge business decisions and work through various scenarios to get the most value from deals and protect the business from risks as much as possible.

**10. What is the most enjoyable aspect about your job?**

The diversity of the role and the business itself makes this a bit of a dream job for me. Our business is growing in exciting ways. For example, in August we launch our new subscription television channel 'BBC First' on Foxtel which will showcase premium scripted drama and comedy from the UK. Last year we celebrated the 50th anniversary of 'Doctor Who' with cinema screenings, exhibitions, pop-up shops and a pretty amazing Symphonic Spectacular in cities across Australia and New Zealand. Our new drama commission with the BBC (produced by RSJ Productions and See-Saw), "Banished", has recently filmed in Sydney.

I really enjoy working across the business and the most rewarding aspect is helping bring it together and watching it grow. I also love being surrounded by great BBC drama productions (produced locally or in the UK), like 'Top of the Lake', 'Luther' and 'Silk'.

*Fiona Lang was recently appointed to the role of Chief Operating Officer BBC Worldwide Australia & New Zealand.*

*Daniel Doctor is a member of the CAMLA Young Lawyers Committee and is the Corporate Counsel at Nine Network Australia.*

*If you would like to suggest someone to be interviewed by the CLB, please send an email to the editors at [editor@camla.org.au](mailto:editor@camla.org.au)*