

Sue Chrysanthou SC

Barrister at 153 Phillip Barristers

Isabella Boag-Taylor, sits down with **Sue Chrysanthou SC**, to discuss International Women's Day and Sue's career at the bar.

Sue Chrysanthou SC is a leading defamation barrister whose practice also includes intellectual property matters. She was called to the bar in 2004 and was appointed Senior Counsel in 2020. Sue has acted in a number of key cases including *Rush v Nationwide News*, *Hanson-Young v Leyonhjelm*, and *Stead v Fairfax Media Publications Pty Ltd*.

ISABELLA BOAG-TAYLOR: Did you always want this job? If not, how did your career path lead you here?

SUE CHRYSANTHOU SC: Definitely not. When I was in school, I wanted to be a filmmaker. My parents didn't want me to go to film school, so I found a way of making that career path appear acceptable to them by choosing a degree at UTS that was a combined Bachelor of Laws / Bachelor of Communications (Media Arts and Production). The year I enrolled was the first year the degree had been offered – I was one of about 10 students, and had never even considered law as a career path before that – it was simply a way of keeping my parents happy. Once I began studying law, though, I found it fascinating. And the people in law were less competitive than the people in my film degree.

At first, I wanted to be a legal academic after graduating. I began my Masters of Laws at UNSW, and worked as a lecturer and as a research assistant for Associate Professor Penny Croft and Professor Patrick Keyzer. The summer clerkship process didn't suit me at all, and as I was completely opposed to ever becoming a solicitor, I went for a position as a tipstaff instead. I worked for Justice David Levine and Justice Carolyn Simpson AO, who both presided over the defamation list and who told me that it was possible to go straight to the bar, if I



wanted to. I also worked for Justice Jeff Shaw for a few months. I took the bar course at 24 and became a reader at Blackstone Chambers, which had one of the largest defamation floors in Australia at the time. As a baby barrister I went to court every single day, and gave myself as many opportunities as I could to stand in front of a judge – from Local Court contract disputes, to Trade Marks Office matters, to AVOs. It was shockingly hard work.

In the end, defamation is what I enjoyed the most, and I was lucky to be working with some of the best defamation practitioners in the profession.

BOAG-TAYLOR: What's the greatest risk you've taken as a professional?

CHRYSANTHOU SC: Coming to the bar wasn't a risk – at 24, I had no liabilities or obligations. Being a barrister isn't necessarily "risky" either, as the cab rank rule means

you simply take the next brief that comes across your desk – professional risk can't be a factor in those decisions. I take a few speculative cases every year, but I don't see those as risks, it is worth it to offer my services to an aggrieved client who would otherwise be financially unable to run the case.

However, the *Mercedes Corby v Channel 7* case in 2007, which was one of my first big cases after coming to the bar, felt incredibly risky: it was just so extremely high profile. The trial was also set to take five weeks, which we knew would mean very high costs for our client. When I took the case I didn't fully realise how much attention it was going to get, and then when I did, I was so nervous. The highest risk was the prospect of public ridicule for losing – I didn't want to be known as one of the barristers who lost the biggest defamation case in 10 years. The media came to every single day of the five week trial. On top of that, Stuart Littlemore QC and I had devoted a huge amount of time to preparation and so there was a lot riding on the result. When the jury retired, we were paralysed with anticipation – I couldn't do anything except play solitaire on my computer for hours whilst I waited for their decision.

BOAG-TAYLOR: Are there any law reforms in your sector that you think are desperately needed? If so, what are they?

CHRYSANTHOU SC: I find the reforms to the Defamation Act hugely controversial – in my opinion, the issues that exist with the Uniform Defamation Laws have not been addressed by the recent changes. An ordinary person can still be sued in the District Court and face costs of over \$100,000 for something regrettable they posted on Facebook, took down the next day and apologised for. We need to be making defamation law reforms for *that* person.

The first wave of changes also has the potential to increase costs for parties, not reduce them – including

the new serious harm test and the new requirement to issue a Concerns Notice. The amendment to section 10, which allows a court to still determine the costs of a proceeding if either party dies, is going to be really difficult in practice, and the same goes for the new public interest defence in section 29A, which is similarly incomprehensible.

Defamation law should be changing all the time – it needs to keep up to date with the big developments, including from the digital platforms. Instead, it hasn't changed for fifteen years. This affects people every day. I think it's time for the Commonwealth to step in and pass a national defamation law – we have left it up to the States and Territories for long enough, and it's not working.

BOAG-TAYLOR: The 2021 International Women's Day campaign theme is #ChooseToChallenge. What does this mean to you and how would you suggest this is implemented in our readers' work and personal lives?

CHRYSANTHOU SC: We cannot allow gender stereotyping – female lawyers should not be differentiated simply because we are female. We don't want to be differentiated *at all*. But the attention directed at female lawyers is still incredibly gendered, no matter how competent or experienced we are.

We have to speak our minds and not be afraid to stand up for ourselves. Don't put up with bullying from anyone, no matter who it is.

BOAG-TAYLOR: What advice would you give to the next generation of female leaders in the industry?

CHRYSANTHOU SC: The best advice is to work hard and do the job better than the people around you. Don't be distracted by what other people are doing and saying – people will always talk, and there will always be someone who doesn't like you. Do your job, do it well, and people can't fault you.

BOAG-TAYLOR: Who are the women in the industry whom you really admire, and why?

CHRYSANTHOU SC: I have always really admired Her Excellency the Honourable Margaret Beazley AC QC, and I loved appearing before her when she was a judge.

More personally, I count Justice Lucy McCallum and Judge Penny Wass as mentors. Both are fabulous judges – smart, fair, and judicial, and they treat barristers with respect. They are also fundamentally good people. They are everything you want to be as a female lawyer.