

Parisa Hart

Barrister, 2 Selborne Chambers

Anna Kretowicz, candidate for the Bachelor of Civil Law at Oxford University (2022-23), interviews **Parisa Hart**, Barrister, 2 Selborne Chambers, to discuss Parisa's career and reflect on what it's like to be a woman in the law in celebration of International Women's Day this year. Called to the Bar in 2016, Parisa has practised in many areas of law but has significant experience in defamation and criminal law. She has appeared in a range of courts and tribunals, is involved in a number of legal committees and has published articles in BarNews Journal and the Australian Bar Review.

ANNA KRETOWICZ: Parisa, thanks for agreeing to be interviewed for the CLB's special edition on International Women's Day! Could you tell us, what does a typical day look like for you?

PARISA HART: No day is really the same - it depends on what I have to get done. If I have a hearing, I wake up earlier than my usual time, which is 5am, and continue working on the case. That includes a variety of tasks such as drafting written submissions, preparing a list of authorities, and making sure my personal notes and folders are in order and I am on top of everything necessary for the hearing.

If I'm not in court and don't have to prepare, I wake up at 5am and start the day with yoga or meditation. And then I check the overnight emails, prepare for and attend conferences, carry out legal research and draft documents such as written submissions, case analysis etc.

ANNA: What is the best work-related advice that you've ever received?

PARISA: Do your best in doing what you need to do and do not compare yourself with anyone. As Theodore Roosevelt said, 'Comparison is the thief of joy'. No matter what task I have, I choose to do my best with all the resources that are available to me at the time. I have found this advice very helpful as I do not need to be worried about things that are beyond my control such as having an opponent who is giving you a hard time or a judge who does not want to accept your argument.

ANNA: What developments do you see on the horizon in 2023 for the communication and media law landscape?

PARISA: This year will be a busy and dynamic year for media law reform. There are a few things on the horizon. Part A of the Stage 2 Review of the Model Defamation Provisions will commence on 1 January 2024. Drafting of the Part A reforms is to be finalised in the first half of this year. These reforms will help to clarify the liability of internet intermediaries and are aimed at shielding Facebook page administrators such as individuals and media companies from being sued for defamation over posts

made by third parties. Also, it is worth mentioning that submissions on the Part B of the Stage 2 Review will consider whether absolute privilege should be extended to cover reports of alleged unlawful conduct to police and employers and will be available for final agreement among the States and Territories this year.

Furthermore, the Commonwealth Attorney-General has announced that there will be amendments to the Privacy Act. These will revolutionise the Privacy Act and have a significant impact on the communication and media industry as well as other industries. These reforms may introduce 'right to be forgotten' laws which have already been enacted in Article 17 of the General Data Protection Regulation of the European Union. It will provide individuals the right to request organisations to erase their personal information permanently and without undue delay, in certain circumstances. A statutory tort of privacy will also be considered in the forthcoming reforms which would give individuals a direct right to sue organisations if their privacy has been breached.

ANNA: And relatedly, I'd be really interested if you had any experience with the amendments to the defamation laws. Do you think those reforms have been useful? Would you recommend any further changes?

PARISA: Dealing with a serious harm threshold and concerns notices under sections 10A and 12A and 12B are the most common experience for all practitioners in this area. In my view, the introduction of a serious harm threshold has had mixed effects. While it discourages the commencement of trivial cases, it can cause delay and confusion in some matters and is not cost effective for either plaintiffs or defendants. The defamation reforms have been useful clarifying the language in sections 26 (contextual truth) and 35 (damages). The introduction of public interest journalism in section 29A is considered one of the most significant reforms but there has not been much guidance or many cases in Australia yet. So we do not yet have a full picture as to how this section will apply. It will be interesting to see whether this section will make a



difference compared to the statutory defence of qualified privilege in section 30 and whether it will provide the protection anticipated in some quarters.

ANNA: How do you unplug from work?

PARISA: I exercise regularly - a combination of walking and going to the gym. I really enjoy group classes offered at the gym that I attend. Those classes include sweat, yoga, pilates and meditation. I also enjoy reading health and well-being, inspirational and scientific books and journals. Chilling with my cat Cuddles is another wonderful way to unplug.

ANNA: If you could have dinner with any woman (living or passed, real or fictional), who would it be and why?

PARISA: There are so many remarkable women who have made the world a better place through their courage, resilience, and vision. However, choosing one now, I would have dinner with Oprah Winfrey. She is unstoppable and things such as a tough childhood, race and gender did not hinder her pursuit of her dreams. She is a philanthropist and has helped and inspired many women throughout the world.

ANNA: What advice would you give to the next generation of female barristers?

PARISA: Be resilient and do not let anyone hold you back on the grounds of your gender. Just be yourself and move beyond your social conditioning and face stereotypes with awareness - but also, accept who you are. In my first year of coming to the Bar I was told by few people that I was 'too pretty' to be a barrister. Regrettably, one of those people was a female solicitor who I met at a function. While those remarks were not welcoming and I found them hurtful at the time, they did not stop me accepting who I am. I realised that I was not going to change how I look, I would strive to be a good lawyer and not let remarks about irrelevant things get in the way of my professional development. Therefore, I advise female barristers not to take derogatory comments personally as it is not about them, it is about the person who makes them.