

## DEFAMATION AND OTHER LEGISLATION AMENDMENT BILL 2025

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| <b>Submitted by:</b>       | Local Government Association of Queensland |
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| <b>Submitter Comments:</b> |                                            |



Every Queensland  
community deserves  
to be a liveable one

28 October 2025

Mr Martin Hunt MP  
Chair  
Justice, Integrity and Community Safety Committee  
George Street, Parliament House  
Brisbane Qld 4000

By email: [JICSC@parliament.qld.gov.au](mailto:JICSC@parliament.qld.gov.au)

Dear Mr Chair,

**RE: Submission on the Defamation and Other Legislation Amendment Bill 2025**

The Local Government Association of Queensland (LGAQ) is a not-for-profit association representing all 77 local governments across Queensland as the state-wide peak body for our sector.

The LGAQ welcomes the opportunity to provide feedback to the Justice, Integrity and Community Safety Committee on the Defamation and Other Legislation Amendment Bill 2025 (the Bill).

The Bill represents a necessary modernisation of Queensland's defamation laws, particularly as they relate to digital publication and intermediary liability.

Its clarification of when digital service providers may be liable for defamatory content and the introduction of procedures for early determination and "access prevention steps" will enhance certainty for publishers and platform operators alike. For Queensland councils, these reforms provide greater transparency and predictability in a rapidly evolving communications environment.

Queensland councils engage extensively with their communities through digital platforms, websites, and social media. Councillors, staff and community members interact daily in online forums where defamation risks can arise.

The Bill will clarify the extent to which councils acting as administrators of online spaces may be responsible for user-generated content. This provides fairer treatment for councils that take reasonable steps to moderate or remove defamatory material once notified and encourages responsible management of digital forums without imposing liability for third-party actions beyond their control.

The LGAQ also welcomes the Bill's reforms to enable courts to order digital intermediaries to remove or block defamatory content and to require disclosure of anonymous publishers subject to appropriate privacy and fairness safeguards.

These powers will assist in addressing the growing incidence of defamatory and abusive online commentary targeted at councillors and staff.



Nevertheless, councils face several practical implications arising from the Bill's implementation:

- The need to determine whether council-run platforms constitute “digital intermediaries” and to ensure that moderation practices do not disqualify them from the new defences.
- Potential resource requirements to develop and maintain accessible complaints-handling mechanisms to satisfy the criteria for intermediary protection.
- Expanded electronic service of documents obliging councils to monitor and maintain accurate contact information for legal notices.
- Early determination procedures that may increase up-front legal costs for councils drawn into defamation actions.

For these reasons, the LGAQ recommends the Committee consider supplementary guidance or practice notes that clearly define the distinction between “digital intermediary” and “publisher” for local government contexts, along with model complaints protocols to ensure consistency and fairness across Queensland councils.

While supportive of the Bill, the LGAQ is seeking further changes to address a request of Queensland councils for protection from defamation when fulfilling their obligations to report corruption concerns and to respond to requests for information from integrity agencies.

A resolution of Queensland councils at the 2022 LGAQ Annual Conference called for alignment between the Defamation Act 2005, Public Interest Disclosure Act 2010, Parliament of Queensland Act 2001 and Local Government Act 2009 to provide greater protection for councillors acting in good faith when cooperating with integrity agencies such as the Office of the Independent Assessor and the Crime and Corruption Commission.

The intent of that resolution was to extend privilege or qualified privilege to statements made by councillors and officers performing their statutory obligations and to shield them from reprisal or defamation risk when assisting lawful investigations, and the circumstances in which the existence of the referral can be disclosed to others, for example constituents.

While the current Bill modernises digital defamation law, it does not address this unresolved issue of protection for elected members acting in the public interest. The LGAQ therefore urges the Committee to note that further legislative reform will be required to achieve the policy intent of that 2022 resolution and the broader LGAQ Policy Statement 2.1.2.2, which emphasises that any additional compliance placed on local government by the State Government should take into consideration risk management and materiality and the value of transparency to the community, and should not be based on simply aligning local government with the State Government.

To support effective implementation, the LGAQ also recommends ongoing consultation between the State Government and the LGAQ in developing suitable education and training resources and model communications policies for councils in line with the commencement of the reforms.

Additionally, the LGAQ is seeking clarification with respect to the recent Tasmanian Supreme Court decision of *McCullagh v Northern Midlands Council, Knowles and Jennings* [2024] TASSC 66, which found that use of public resources to defend councillors’ and council staff reputations, is “illegal and arguably corrupt conduct”.

This is at odds with the Ombudsman’s position as stated in the Redland City Council defamation report of January 2017, Queensland Ministerial defamation funding arrangements and the past practice of certain local governments following the Ombudsman’s recommendations. In certain

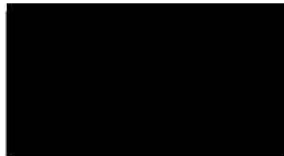


matters (including, for example, with funding recovery arrangements) such action may not only be appropriate, but necessary to discharge competing work health safety obligations.

The LGAQ is grateful for the Committee's consideration of this submission and stands ready to assist with any further consultation to ensure the legislation achieves its intended purpose while supporting good governance and community confidence in local government.

Please do not hesitate to contact Ms [REDACTED], Manager Governance and Advisory Services, via [REDACTED], should you wish to discuss any aspect of this submission.

Yours sincerely,



Alison Smith  
CHIEF EXECUTIVE OFFICER