




Speech By  
**Andrew Powell**

**MEMBER FOR GLASS HOUSE**

---

Record of Proceedings, 16 June 2021

**DEFAMATION (MODEL PROVISIONS) AND OTHER LEGISLATION  
AMENDMENT BILL**

 **Mr POWELL** (Glass House—LNP) (11.47 am): In rising to speak to the Defamation (Model Provisions) and Other Legislation Amendment Bill 2021, can I start by expressing, as other members in this House, my sympathies to the family of Duncan Pegg, the member for Stretton. Whilst on opposite sides of the political fence, I have to acknowledge that the guy was a good one. He loved his electorate and represented it with the fervour that every member should. He brought a lot of fun to committees which both sides of the chamber were involved in, and he had a love of sport that every Queensland bloke should have. I want to commend him for everything he has done and pass on my sympathies to his family.

Were it that we did not need defamation laws. Were it that people could focus on the issues that are being debated and discussed rather than playing the person. I listened with some interest to the shadow Attorney-General's contribution yesterday. Sadly, it appears that since the dawn of time people choose to say things about other people in a way that is not appropriate. I am not going to repeat it all because I know the Attorney-General will roll her eyes at me if I do, but it is interesting to touch on the fact that it goes back to Sumerian and Babylonian times in the sixth century. I love the Lex Salica rule wherein payments were made if you called someone a wolf or a hare. I think that is worth noting.

What we do have now in this nation and this state are national laws that ensure that, regardless of where you are, you can seek recompense for defamation. I want to focus on the two key amendments within the defamation side of the bill: that it is commonplace for the same matter to be published in more than one Australian jurisdiction; and it is important for potential plaintiffs and publishers to know their rights and limitations under defamation laws without having to considering differing state and territory laws. What we are addressing is the multiple publication rule.

The other factor we are looking at is that the amendments will: discourage and prevent expensive litigation for minor or insignificant claims; otherwise encourage the early resolution of defamation claims; ensure that the law of defamation does not place unreasonable limits on the freedom of expression by encouraging open and transparent reporting and public discussion here in Queensland; and modernise provisions to apply more appropriately to digital publications. As a member of the Legal Affairs and Safety Committee, I can say that there was resounding support for these amendments in that regard. I think a lot of people were hoping though for a further look at how digital platforms will be addressed through defamatory content published online.

We were advised by the Department of Justice and Attorney-General—and the Attorney-General herself shared this in her introductory speech—that there is a second stage of reform coming around these laws that will drill down a lot more into the responsibilities and liability of digital platforms for defamatory content published online, as well as defences applying to disclosures of criminal conduct and misconduct in the workforce. To those submitters who particularly wanted to see how we will deal

with the likes of Facebook and others, I can say that that work is underway. I understand there will be consultation more broadly on that at the national level, and then obviously when it comes time to adopt that in each state and territory we will do likewise.

I want to leave my comments about the defamation aspects there because I also want to touch on the legislative amendments to the Heavy Vehicle National Law and Other Legislation Amendment Act 2019. In doing so, I want to acknowledge Mr Karl Frank from the Department of Transport and Main Roads who briefed the committee on this. Mr Frank actually managed to make this information sound exciting with his enthusiasm. Unless you are in the heavy vehicle industry it is a very dry topic, but Mr Frank did a very good job at making us interested in his discussion about this.

These are very complex amendments. In short, they are trying to stop unintended consequences occurring on what are known as PBS vehicles. The PBS Scheme offers the heavy vehicle industry the potential to achieve higher productivity and safety outcomes through innovative and optimised vehicle design. It was discovered that if a vehicle was accidentally off route a number of unintended consequences could occur, including the initiation of court proceedings instead of the issue of a penalty infringement notice, as well as the use of additional enforcement powers, such as a direction not to move a vehicle until the breach has been rectified or to move it to a safe location. What has occurred as a result of all of this is that, in essence, it has been decided by all that it is best if we simply repeal sections 10 and 11 of the Heavy Vehicle National Law and Other Legislation Amendment Act to remove those. That is a sensible outcome and one that will be applauded by the industry.

In addressing the heavy vehicle national law, I want to add that, whilst it has brought a level of reform and improvement, there is still a way to go. We still find councils and DTMR playing games with the Heavy Vehicle Regulator that are frustrating heavy vehicle industries. I want to acknowledge Woodlands, a very large poultry producer who have their headquarters just on the opposite side of the road of the Glass House electorate in Beerwah. They move an extensive number of chickens as well as an extensive amount of grain and food to their various poultry farms. They are having to do this with single vehicles at the moment because they are still unable to get approvals to use B-doubles through state and council roads. I know people have concerns about the size of B-doubles, but the reality is that they cut down on the number of traffic movements. One B-double takes the place of 1½ single trucks.

I am calling on DTMR and in this case the Sunshine Coast Regional Council to stop being a blockage to the Heavy Vehicle Regulator and to start working with the Heavy Vehicle Regulator to find solutions. It will result in far better solutions for our communities with fewer heavy vehicles moving through our communities, particularly communities like Beerwah. Fortunately, we have been able to factor in potential B-double movements through the new traffic lights that are going in at the Beerwah State School adjacent to the Woodlands headquarters, but that is not enough. We need to review the kinds of vehicles that companies like Woodlands can use in and around South-East Queensland.

With those few comments, I want to conclude by acknowledging the work of our secretariat, Renee Easten and her team, for all they do in assisting the committee during our consideration of these bills. I commend the bill to the House.