




Speech By
Ann Leahy

MEMBER FOR WARREGO

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DEFAMATION (MODEL PROVISIONS) AND OTHER LEGISLATION AMENDMENT BILL

 **Ms LEAHY** (Warrego—LNP) (2.05 pm): With your indulgence, Mr Speaker, I would like to extend my sympathy to the family and friends of Duncan Pegg. He will be remembered by both sides of this House for his many contributions to the parliament, his quick wit and also his work for his electorate. I place on record my sincere condolences to his family.

I now turn to the debate on the Defamation (Model Provisions) and Other Legislation Amendment Bill 2021. I thank the parliamentary committee for their consideration of the bill. The bill deals with two main areas: the reform of defamation laws and amendments to the Heavy Vehicle National Law and Other Legislation Amendment Act 2019. In relation to defamation, the attorneys-general of the states and territories agreed in 2004 to support the enactment in each jurisdiction. This will provide uniform model provisions in relation to defamation law called the model defamation provisions, or MDPs. In Queensland this was done through the Defamation Act 2005.

A review led by New South Wales was conducted in 2019 and 2020 to determine whether the policy objectives remain valid and whether the provisions were appropriate for the purpose of achieving their objectives. As a representative whose electorate shares boundaries with two states, New South Wales and South Australia, I am pleased the state jurisdictions came together on this matter.

All jurisdictions agreed in July 2020 to enact consequent amendments to the model defamation provisions as soon as possible. The maintenance of uniform legislation is considered important because it is commonplace for the same matter to be published in more than one jurisdiction. It is, therefore, important for potential plaintiffs and publishers to know their rights and limitations under defamation law without having to consider different state and territory laws.

Much has changed since 2005. We see many newspapers have shut down, particularly in regional areas. We still have some great independents remaining such as the *South West* newspaper whose editor, James Clark, I am sure does know a fair bit about defamation law as he is a former Fleet Street journalist. He publishes a local newspaper where many others walked away from regional communities in Queensland. There are also other publications like the *Western Downs Town & Country* newspaper, which is a free weekly community newspaper for Dalby and surrounds.

In the past many articles, comments and letters to the editor have had the oversight of an editor. A lot of defamation cases no doubt never saw the light of day due to the intervention of that editorial oversight. With the closure of many local newspapers, those editors are no longer providing that discretion on what is published. Social media and blog sites do not have editors. Consequently, that editorial discretion does not occur as much as it used to.

Since 2005 the publishing landscape, particularly in regional Queensland, has changed very dramatically. I do welcome the second stage of the review of the defamation laws that is underway. It is focused on the responsibilities and liability of the digital platforms for defamatory content published online as well as the defences applying to disclosures of criminal conduct and misconduct in the

workforce. I know that this review and the outcomes will be of great interest to those in local government and the elected councillors and mayors across Queensland, many of whom have raised concerns with me about the online publishing of inaccurate and potentially defamatory claims.

The bill also takes the opportunity to amend the Heavy Vehicle National Law Act 2012 to address a number of operational and minor technical drafting issues aimed at the improvement of roadside enforcement, reduction of the compliance burden for industry and the reduction of the administration burden on the National Heavy Vehicle Regulator, NHVR.

The work of the National Heavy Vehicle Regulator has not been without difficulty. A constituent from my electorate was carting drought-affected livestock and had a very disappointing experience with this system when he lodged an application for an ABB-Quad and an AB-triple permit. He was advised that under the old system, which he had interacted with regularly, he could call the Department of Transport and Main Roads in Toowoomba and that within two hours he would have a permit. He contacted NHVR and advised that the permit he was seeking was urgent as he was carting drought impacted stock. He was told it would take 28 days to process the permit. It took two months of writing letters and following up with the Department of Transport and Main Roads and NHVR to get him his permit.

Unfortunately, the Department of Transport and Main Roads frustrated and delayed this application. I am advised that in this particular case it appears that the permit applications were delayed for 19 days in the district office of the Department of Transport and Main Roads. When drought-affected stock no longer have water, transport operators need to be able to move those animals. A 19-day delay can create a significant animal welfare issue. I wonder how many other permits the Department of Transport and Main Roads has frustrated in this manner. It is not good enough. These frustrations are happening under this government's watch.

I have another issue at present in Dalby, where the route for trucks to access an industrial area on the western side of town is through one of the busiest intersections in the town. The permit system from NHVR is very difficult for this particular business to operate as the trucks travel from as far as the Bundaberg, Mackay and Burdekin regions. Because of the distance, it is very hard to estimate the arrival times and determine what conditions can be placed on those permits to access this industrial area. There is no easy solution, but there are three agencies to deal with: the local council, Main Roads and the National Heavy Vehicle Regulator. It is very challenging for the owners of that industrial estate, who are trying to ensure they are not impacted, to navigate this system.

The National Heavy Vehicle Regulator has been frustrated on numerous occasions, as evidenced in what I have outlined, by the Department of Transport and Main Roads. The system is not working in terms of how it was originally intended to streamline and reduce complication. It has not achieved that because of the frustrations that are occurring. There is considerable complexity in the amendments before us today. I hope that these amendments improve this system, as it certainly needs a drastic overhaul. It was a quite simple, easy-to-access system but, unfortunately, it is not that any longer. Responsibility for a lot of that lies with the Department of Transport and Main Roads, which has been frustrating the system.