




Speech By
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MEMBER FOR GREENSLOPES

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DEFAMATION (MODEL PROVISIONS) AND OTHER LEGISLATION AMENDMENT BILL

 **Mr KELLY** (Greenslopes—ALP) (2.12 pm): As this is my first time speaking since the passing of the member for Stretton, I pass on my condolences to his parents, Lindsey and Graham, and to all the family. I had the opportunity to speak after his final, magnificent speech in parliament. While I had some degree of insight into the seriousness of his illness, I was somewhat shocked and surprised at the speed with which he passed. His community has lost a fantastic champion, this parliament has lost a great member and we all have lost a good friend. He was a legal eagle and, as such, was someone I would turn to for guidance and advice on a bill such as this, because I am very far from being a legal eagle. I am not sure what the opposite is; it is probably a legal chicken or something like that. This is a debate that he would have loved and would have participated in. We all should love and participate in this debate, because it is dealing with some fundamentally important matters that matter not only outside of this parliament but also inside this parliament—that is, free speech, the consequences of free speech and protecting people from the intended or unintended consequences of free speech.

I thank the member for Clayfield for laying out the historical context. I know that it was not necessarily appreciated by all members of this House, but I think it is important to position this debate in its historical context. When we talk about the freedom of speech that is available in this House, we are talking about something that has been developed over a thousand years, sometimes at the cost of blood. It is certainly something that we need to understand and put into context. I did find the member's contribution somewhat confusing in parts, in fact contradictory. He rightly pointed out the complexity of the area of defamation law but then went on to suggest that all we had to do here was cut and paste some laws and get on with things. Nothing could be further from the truth and nothing has been further from the truth. There has been careful consideration of these laws and proper parliamentary consideration and consultation by the minister's office.

As I said, at the core of this issue is freedom of speech and the need for our community to have access to accurate information but also the protection of people from the danger of words. We have all heard the adage 'sticks and stones may break my bones but words will never hurt me' said in the playground a million times, but that is completely and utterly wrong. As we all know, words can be very damaging.

One of the core tenets of this parliament and all parliaments in the Westminster system is parliamentary privilege, which effectively gives freedom of speech and protection from defamation. We do not allow ourselves to have completely unconstrained freedom of speech. We still apply rules to the way in which we conduct ourselves. There are many times I would have liked to say things about the members opposite—say, the member for Kawana—but if I did I would have been pulled up for using unparliamentary language. There are many times that he has said things about me and other members of this House and has been rightly pulled up for using unparliamentary language.

The other key limitation that we should take into consideration around freedom of speech in this place is that the information we bring has to be factually correct and we cannot deliberately mislead of the House. That is why I was surprised at the contribution to yesterday's debate by the deputy chair of the committee and member for Currumbin. I did like part of this speech, so I will read it into the record. I stress that these are not my words; this is a quote, so I am not misleading the House. She said—

When all other jurisdictions enacted uniform defamation laws last year, this lazy government is only now bringing reforms before the parliament.

This is good: we have been upgraded from a do-nothing government to a lazy government! Perhaps the member for Currumbin will catch up at some point and realise that we are not a lazy government; we are a competent government that has been returned three times.

The core of the problem with having to use only factual information is that the deputy chair of the committee, who presumably listened during the hearings, said 'when all other jurisdictions enacted uniform defamation laws'. The problem is that all other jurisdictions have not enacted these laws. That does not make us lazy; in fact, that puts the member for Currumbin in a situation where she has misled the House. As she holds the position of deputy chair, we can only assume that, because she was trying to push the point about us being a 'lazy government', the member for Currumbin is deliberately misleading the House. At any point the member has the opportunity to correct the record in this parliament. I hope that the member takes that opportunity.

I take issue with another matter raised by the deputy chair of the committee. The member put on record—

Whilst most of the amendments in this bill are positive, this should not overshadow the dangerous path taken to introduce significant changes without proper oversight.

One would think that a member making an assertion like that would expand on it and talk about what they actually meant but, of course, that was not done. If the member felt that this legislation was so dangerous, she might have brought an amendment to the House or even, as deputy chair, made a statement of reservation to the committee report, but that did not happen.

What will happen is that the member for Currumbin will vote in support of this legislation, so again this is an overstating of the situation. Using language such as 'dangerous path' is a carelessness of language, and that is what this bill is all about. It is about the preciseness and the importance of language at its core. As I said, we are balancing the rights of people to have freedom of speech, the rights of other people to have access to accurate and true information and the rights of people to protect their reputation and good standing in the community.

When we look at current trends in the way that we communicate, we can see that, as technology allows for a greater velocity of information flow and an almost instantaneous reach to millions and billions of people, not only does the capacity for accurate information dissemination increase but also the capacity for disinformation and damage increases. Anybody with a keyboard and a clever pitch and a capacity to get it out there can have an immense impact, both positive and negative, and we have seen many examples of that. There is a growing body of evidence that a well organised and resourced group has used these types of practices to sway election outcomes. When you have the resources and the intent, you can certainly do great damage.

There are several high-profile defamation cases currently underway—and I will not be referring to any of those or the details of them—but they highlight the need for us to be constantly reviewing and updating these laws. The uniform laws will prevent the jurisdictional shopping that we have seen and recognise the modern capacity for publishing in several jurisdictions at once.

In this state we have had a long history of abuse of legal processes. When I was a mere teenager—which is not that long ago, I have to tell you, Mr Deputy Speaker Walker—in those days the family would gather around the TV at six o'clock, as we did, to watch the news—or seven o'clock, depending on which household you were in. As I said, we were one of those six o'clock households. The reality is that just after the headlines and before the sport you would see the other nightly bit of sport—that is, the Bjelke-Petersen regime misusing legal processes to crush dissent and misusing defamation processes to crush dissent. That is why these laws are so important. The serious harm provisions and the notice of concerns are all matters that will stop powerful people like the protege of Bjelke-Petersen—the weird protege, Clive Palmer, who continues this tradition of misusing legal processes—misusing defamation laws to crush dissent and do damage to our democracy and instead will allow people to have freedom of speech. Most importantly, they will also allow people to protect their good reputation and their standing in the community. With those words, I commend the bill to the House.