




Speech By
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MEMBER FOR BONNEY

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

 **Mr O'CONNOR** (Bonney—LNP) (2.34 pm): I rise to briefly speak in support of the Defamation (Model Provisions) and Other Legislation Amendment Bill. Our laws have clearly not kept pace with technology or changes in society. The environment in which we publish and view content is constantly changing, and it is critically important that our laws keep up with those changes and be consistent throughout Australia. The digital landscape does not stop at state borders, so material is being distributed faster and in more jurisdictions than ever before. We have also not had significant changes to these laws for a considerable time—15 years in fact. Since those last amendments we have seen an unprecedented evolution of publications and media.

These changes bring in a commonsense and uniform approach to defamation laws in this state. The single publication rule allows for the one-year limitation to be adhered to more strictly, rather than the time line having added confusion by every different download or view of the publication in question. This is an important change and one that makes sense with the nature of these online publications.

The introduction of the serious harm amendments is also a positive step, increasing the standard of harm the plaintiff must prove as well as removing the triviality clause for defendants. This is an appropriate increase to the standards that must be proven in a defamation claim. Too often, claims are being brought about without what most people would consider to be serious harm being suffered. Most of us in this place, in fact, will have been subject to negative commentary and even attacks on social media. Of course, no-one would endorse some of the current culture of heaping negative comments on people, especially not when it becomes trolling, bullying or even abusive behaviour; however, I do agree that in the context of defamation there needs to be an appropriate level of harm reached for a claim to be warranted. The aim is to minimise trivial claims, and I hope that changing these standards will help.

Importantly, the amendments provide a new defence in respect of peer reviewed matters published in academic or scientific journals. Better protecting researchers, academics and scientists from defamation or the fear of it so they can publish their thoughts on pieces of research is so important to producing the best possible outcomes in these fields. We know too well how fraught debates in academia, science and medicine can be, but that is exactly the point. Those debates are incredibly important to continue to sharpen our best minds and allow them to make their case or critique someone else's. Through this process, through one academic or scientist raising issues with another's work, we will see the best results.

I am so proud to have the largest campus of Griffith University in my electorate, including the brilliant Institute for Glycomics, for which I serve on the board of advice. I want to make sure they have the best protections to confidently publish their peer reviewed work. They should be assured that they will not be open to the risk of needless defamation actions.

I would also like to flag my support for the foreshadowed next review of defamation laws, specifically those regarding social media and digital publications. I have actually raised concerns with the Clerk about our roles as members of parliament and our interactions on social media. My concerns were about whether we, through our official Facebook pages in particular, could be considered publishers and what happens when people comment on our posts in potentially defamatory ways. With so many comments there is no way for us to monitor this, particularly 24/7. A number of my posts—one in particular comes to mind; it called on men to encourage each other to get help if they have any thoughts of violence towards their partners—have led to some pretty wild claims on Facebook. I think it is important that we consider further changes as soon as possible and I welcome any further clarification in our defamation laws. I support the bill.