



Speech By
Hermann Vorster

MEMBER FOR BURLEIGH

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DEFAMATION AND OTHER LEGISLATION AMENDMENT BILL

Second Reading

Mr VORSTER (Burleigh—LNP) (12.33 pm): I rise to speak on the Defamation and Other Legislation Amendment Bill 2025. Before turning to its provisions I do wish to speak very briefly about why defamation law matters to the very foundation of our civil society. I am reminded of two writers who warned us of how truth can be undermined, not by force but through repetition and the corruption of language. Lewis Carroll, one of my favourite authors, once wrote, satirically, 'What I tell you three times is true.' It was meant as a joke, yet today repetition often does create perceived truth.

Claims repeated online acquire an authority through momentum alone, with algorithms amplifying what engages, not what is accurate. That is not because these digital platforms are inherently malicious, but because they were built for speed and scale and never for verification. Our defamation laws, however, were built for a world of editors, publishers and identifiable gatekeepers. That world no longer exists. A functioning democracy depends on reliable information. When people can tell mistruths about others without consequence, trust collapses between citizens, institutions, businesses and the media.

Truth is not merely a personal interest, it is a public good. Without shared confidence in what is actually real, cooperation becomes impossible. Reputation determines whether others will work for you, believe you, trade with you, or vote for you. False statements do not just harm individuals, they distort social decision-making; they corrupt how we choose leaders, partners and paths forward. Defamation law protects the integrity of those decisions by requiring claims about others to be grounded in reality.

In a society with no legal respect for objective truth, whoever controls the loudest story ends up controlling reality. That leads to propaganda overwhelming evidence, mobs overpowering due process and charisma defeating fact. Defamation law draws a hard line. You do not get to rewrite reality simply because you have an audience. There is a paradox here. Defamation law protects free speech rather than weakening it. If lies drown out truth, speech becomes noise; if falsehoods go unpunished, honest speakers retreat; and if reputations are easily destroyed, dissent becomes dangerous. Truth-based limits make speech more valuable, not less. Without that objective truth as a legal standard, accusations replace evidence, outrage replaces judgement and punishment replaces proof.

Defamation law insists that moral condemnation must rest on fact, not suspicion, not crowd emotion, not momentum. Truth also requires precision of language. When the boundaries between words collapse, clear thinking collapses with them. Defamation law depends on distinctions between fact and opinion, allegation and proof, harm and offence. When serious labels are used carelessly, accusations begin to sound like evidence and defence becomes nearly impossible. A healthy society must allow deep disagreement and sharp criticism, while refusing to admit fabricated wrongdoing, invented crime or knowingly false personal attacks masquerading as debate. Defamation law protects not silence, but meaningful speech grounded in reality.

The Defamation and Other Legislation Amendment Bill 2025 implements nationally agreed reforms to bring Queensland in line with New South Wales, Victoria, the ACT, Tasmania and the Northern Territory. Our defamation laws as they currently stand were drafted in 2004 before social media, smart phones and mass user-generated publication. They assumed a world of controlled publication and professional gatekeepers. They did not anticipate a world where anyone can publish instantly to millions, where comment sections generate thousands of posts and where information travels faster than verification. Yet the law of publication remained unchanged. Anyone involved in publication could be liable as a publisher. This created serious uncertainty. Should internet service providers be liable for content passing through their systems? Should community forum administrators face the same liability as someone who authors a false claim? Should search engines be liable for indexing content that they did not create?

The High Court's recent decision exposed this problem. Media organisations were held liable for third-party comments that they did not write or approve. The law worked as it was designed but for a world that had long vanished. This bill closes that gap. It preserves the core principle that authors remain fully liable for what they publish. It does not create immunity for defamation; it clarifies responsibility in a digital ecosystem that the original law could never have contemplated. It recognises that some intermediaries are genuinely passive, merely transmitting or storing data. Others operate at such a scale that real-time moderation is practically impossible. These reforms balance clarity for intermediaries with clear pathways for victims to seek redress, acknowledging those realities. The bill also removes barriers that deter victims from reporting crime because, again, this is a government that is forever on the side of victims. When survivors fear defamation for making a complaint to police, the law has gone wrong. These reforms address that injustice.

As I mentioned, these laws are part of a Commonwealth harmonisation effort. It pays to make the point that national consistency in this case is essential. Queensland publishers and users operate across borders. Different defamation rules create uncertainty and forum shopping. The only market should be the market for justice.

Carroll, one of my favourite authors, warned that repetition could be mistaken for truth. Another favourite author, Orwell, warned that blurred language makes clear thinking impossible. Both understood that when the mechanisms for recognising reality are corrupted the truth itself becomes fragile. Defamation law preserves those mechanisms. It insists that reality is not created by repetition, that truth is not from momentum and that reputations cannot be destroyed by claims untethered by fact. In doing so, these reforms protect not silence but the possibility of reasoned disagreement grounded in truth and, with it, the foundation of civil society.

We live in turbulent times and it is important that our laws meet the challenges that confront our society, that confront democracy. I am so very pleased to be part of a government supporting the fine work of our Attorney-General that will meet those challenges and meet them in a timely way, at the very early stages of this government, after the former Labor government refused to act, exposing community administrators to risk and publishers to prosecution and also robbing the public square, online and in person, from objective truth, which is the foundation of democracy itself. I commend the bill to the House.