



Speech By


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MEMBER FOR MUNDINGBURRA

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DEFAMATION AND OTHER LEGISLATION AMENDMENT BILL

Second Reading

 **Mrs POOLE** (Mundingburra—LNP) (4.32 pm): I rise to speak on the Defamation and Other Legislation Amendment Bill before the chamber. Firstly, I would like to thank all the previous members on this side of the House who have taken the time to speak on this bill. They have provided very informative contributions. I note what the member for Lockyer said about having a dollar for every time defamation was mentioned to him when he was working as a police officer. I would like a dollar for that as well.

Freedom of expression is a basic human right, but we must find the right balance between this and protecting reputations, especially in the context of our modern digital challenges. This bill brings our defamation laws into the 21st century, making the appropriate provisions for our modern digital world. Too often, governments pass legislation that is appropriate to the current day and then never look at it again. We have a significant amount of legislation that is no longer fit for purpose, and those on this side of the House are committed to correcting that. This bill will take the appropriate steps to ensure that only those who are being defamatory are held accountable. If someone emails a piece of defamatory content, the email software company should not be held liable. That is what this legislation does. It provides exemptions for those digital intermediaries to ensure they are not wrongfully held liable due to the user's action.

This bill also goes a step further to allow parties to defamation proceedings to take steps to remove or prevent access to the content in question. If someone makes a defamatory comment on Facebook, then Facebook should be given the opportunity to remove or prevent access to this before being held liable.

Mr McDonald: Hear, hear! That is natural justice.

Mrs POOLE: I take that interjection from the member for Lockyer. It is all about procedural fairness and it is all about natural justice.

When it comes to defamation legislation, Queensland is behind. New South Wales, Victoria, the ACT, Tasmania, the Northern Territory and some parts of South Australia have already enacted many of these amendments. The Crisafulli government will deliver modern defamation laws to protect Queenslanders online. That is what this bill is about. We are introducing those reforms to modernise Queensland's two-decade-old defamation laws, bringing them into the 21st century—

Mrs Kirkland: How old?

Mrs POOLE: I take that interjection from the member for Rockhampton. The defamation laws are two decades old. It is giving greater protection for victims to remove the threat of defamation proceedings when reporting to police. There is a new defence for administrators of online community forums and social media pages where comments are made by a third party. In our electorates we have social media groups, neighbourhood watch groups and Facebook pages to help our communities, and they should be protected.

The courts are being given a new power to order the removal of defamatory content, even if the platform is not part of a legal case. Everything that this government does is about making Queensland safer and strengthening our laws.

The reforms reflect changes agreed to by the other Australian states and territories following a national review into how the defamation laws were working. We are delivering, as a government, the changes that are fit for a digital age after a decade of decline and inaction under Labor. The bill makes it clearer who is responsible when defamatory material is published online and provides a potential defence for administrators of online forums and social media pages. The reforms will also ensure people who report to police, including for serious misconduct like sexual harassment or assault, are protected from those defamation claims, removing a key barrier that victim-survivors had to overcome when coming forward.

The bill is making it easier for people to resolve defamation disputes by allowing offers to remove or block access to harmful content. It is giving courts clearer guidance when deciding whether to order digital platforms to reveal the identity of anonymous posters. It allows courts to order digital platforms, even if they are not part of a defamation legal proceeding, to take down that defamatory comment. It also extends legal protections to people who report it to the police.

It is vital that Queensland's laws keep pace with the changing ways that Queenslanders communicate, particularly under the evolving influence of our digital and social media. As I said, bringing our laws in line with other states and territories is crucial to prevent forum shopping and provide certainty when publications are made across borders. No-one should be afraid to speak up about abuse or misconduct because of the threat of defamation proceedings. These reforms also send a clear message that the law stands with victim-survivors who act in good faith to report serious wrongdoing.

I would like to take this opportunity to thank the Justice, Integrity and Community Safety Committee, chaired by the member for Nicklin. Thank you. I would like to take this opportunity to thank the Attorney-General for putting this bill forward. Her work in this space is ensuring our laws are kept up to date for our modern society, and she should be commended for that. In fact, I will quote our Attorney-General and Minister for Justice and Minister for Integrity. She said that these amendments will make Queensland safer and will ensure the state's defamation laws are fit for purpose in our digital age. She went on to say—

We have swiftly acted to introduce these reforms—as it's been 20 years since the Defamation Act was introduced ...

This legislation is striking a balance and bringing our legislation into the 21st century. It is ensuring the safety of families and businesses in the Mundingburra electorate and that is why I commend this bill to the House.