



Speech By
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MEMBER FOR TOOHEY

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DEFAMATION AND OTHER LEGISLATION AMENDMENT BILL

Second Reading

Mr RUSSO (Toohey—ALP) (12.11 pm): I rise to speak on the Defamation and Other Legislation Amendment Bill. The purpose of this bill is to modernise Queensland's defamation laws by implementing the nationally agreed stage 2 reforms to the Model Defamation Provisions as endorsed by the Standing Council of Attorneys-General. The committee has received and considered a range of submissions from across Queensland—from integrity agencies, victim advocates, community legal services and local government. I wish to acknowledge the contributions of the Office of the Victims' Commissioner, the Crime and Corruption Commission, the Local Government Association of Queensland and the North Queensland Women's Legal Service, whose insights have been invaluable to our deliberations. This bill ensures Queensland remains consistent with other jurisdictions, including New South Wales, Victoria and the Australian Capital Territory, while addressing uniquely Queensland concerns. It strikes a careful balance between protecting reputations and enabling free communication in the digital age.

The first major reform in the bill concerns the liability of digital intermediaries—those that host or facilitate online content created by others. Until now, defamation law has struggled to keep pace with the realities of online communication. Digital intermediaries such as website hosts, social media platforms and community page administrators can be caught by defamation actions, even when they have no knowledge of the offending content. The bill introduces a limited defence for intermediaries, provided they act responsibly. They must, for example, have accessible complaints handling mechanisms and take reasonable steps to remove or restrict access to defamatory material once notified. This change encourages responsible online conduct without unfairly penalising those who act in good faith.

The Local Government Association of Queensland welcomed this as a necessary modernisation. Councils across the state maintain digital forums and community pages where residents engage in debate and commentary. The Local Government Association of Queensland noted that these reforms enhance certainty for publishers and platform operators alike and will clarify the extent to which councils acting as administrators of online spaces may be responsible for user generated content. However, the Local Government Association of Queensland also identified practical challenges for councils, including resource implications and the need for clear guidance on whether council-run platforms qualify as digital intermediaries. It recommended the government provide practice notes and model complaints protocols to ensure consistent application across local government. I believe this is sound advice. As we transition to this modernised framework, it is critical that councils and community administrators understand both their protections and their obligations.

This bill also grants courts enhanced powers to manage defamation material. Courts will be able to order intermediaries, even if they are not parties to the case, to remove or block defamatory content and to disclose the identity of anonymous posters, subject to appropriate privacy safeguards. The

committee heard compelling evidence about the harm caused by anonymous online attacks. Local councillors, community leaders and ordinary citizens have been targeted with abusive or false material spread rapidly through digital platforms. The new powers will help address these situations swiftly and fairly, ensuring that individuals are not left defenceless against faceless defamation.

The North Queensland Women's Legal Service particularly welcomed the provisions dealing with preliminary discovery of digital posters' identities. However, it cautioned that such orders must take into account the privacy and safety of victims of domestic violence. The service supported the bill's requirement that courts consider the potential for harm if identifying information is released. It suggested that any existing domestic violence orders between parties should be disclosed to the court before such orders are made. That is a practical and victim-centred recommendation which deserves careful attention during implementation.

Perhaps the most significant and widely discussed reform in this bill is the extension of the defence of absolute privilege to cover communications made to police officers acting in their official capacity. This issue goes to the heart of access to justice. For many victims, particularly survivors of sexual assault and domestic violence, the threat of defamation has been used as a weapon of intimidation. I commend the bill to the House.