



Speech By
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MEMBER FOR CAPALABA

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DEFAMATION AND OTHER LEGISLATION AMENDMENT BILL

Second Reading

Mr FIELD (Capalaba—LNP) (12.26 pm): I rise to address the House on the Defamation and Other Legislation Amendment Bill 2025. Queenslanders expect our laws to keep pace with how we communicate today. This bill amends our state's defamation laws to implement nationally agreed changes that will ensure consistency between the states. These changes will bring decades-old laws into the modern age to make them fit for purpose with the widespread use of digital platforms. In recent years we have all seen how quickly false information can spread online. Queenslanders deserve laws that protect these reputations without stifling free debate.

The bill was referred to the Justice, Integrity and Community Safety Committee for detailed consideration on 14 October 2025. As a member of the committee, I had the opportunity to hear from submitters and stakeholders who provided different perspectives on the proposed changes. I want to thank the committee and the departmental staff for their work throughout this process. After hearing all of the evidence and reviewing submissions, the committee made one recommendation: that the bill be passed.

This bill is part of a long-running reform process and is the result of a collaborative effort between the attorneys-general of all states and territories. Back in 2004, the attorneys-general agreed to set up uniform model provisions in each of their states. In Queensland these provisions were enacted by the Defamation Act 2005. All state and territory governments are part of the agreement that allows for a regular review through the Model Defamation Law Working Party. The working party functions as a body to make reports to the Standing Council of Attorneys-General on proposals to amend the Model Defamation Laws.

The first-stage review of the laws was undertaken in 2019 and 2020. This review made recommendations for amendments that were unanimously endorsed by each state and territory. The stage 1 amendments were enacted in Queensland by the Defamation (Model Provisions) and Other Legislation Amendment Act 2021. The second stage, completed in 2021, examined the provisions and made two sets of recommendations, parts A and B. Part A looked at how responsibility for defamation applies to online platforms that host or share material from others. It considered when those platforms should be held to account for content that is published and when they should not. In common law, the term 'publisher' is very broad, and anyone who takes part in publication in any degree can be regarded as a publisher. This amendment does not seek to alter the responsibility of individuals or organisations that create and post defamatory content online; it just addresses the liability for the intermediate platforms that may host the content. Part B of the provisions focused on the defence of absolute privilege, particularly whether it should be extended to cover reports made to police and certain complaints-handling bodies.

The Standing Council of Attorneys-General endorsed both parts of stage 2 by majority agreement in 2023. These reforms were reflected in the national model provisions, now adopted by several states.

This bill will enact both parts A and B of the stage 2 amendment recommendations in Queensland. Included in the amendments are exemptions for digital intermediaries to prevent them being held liable for defamatory material in specific circumstances. Exemptions apply where the intermediary's role is limited to providing a caching, conduit or storage service and has not taken an active role in the publication of the material. This refers mainly to social media or communication platforms which host content posted by the public.

Search engine providers are covered by these provisions if their role in the publication of defamatory matter is limited to automatically producing search results that direct users to web pages where the material appears. These exemptions come with strict requirements that reasonable steps need to be taken to remove or restrict the offending material within seven days of receiving a complaint. Platforms will have a responsibility to make sure that accessible reporting tools are available and that they engage with complainants sufficiently. This will ensure that prompt action is taken to minimise the reach and impact of defamatory material in line with community expectations.

The bill deals with more than just digital platforms. The amendments also extend the defence of absolute privilege to publications of defamatory matter made to police while they are acting in an official capacity. These changes will give Queenslanders confidence that complaints and police reports made in good faith will be without the risk of legal reprisal. The Office of the Victims' Commissioner and the North Queensland Women's Legal Service made the importance of this clear during the committee process to ensure that victims are seen, respected and heard by the justice system. Both of those organisations referred to the way this amendment would better serve victims of domestic violence, as threats of legal action are often used by perpetrators to harass, intimidate and punish their victims. This is another way we are strengthening trust in our legal system by ensuring that complaints can be made safely and responsibly.

As well as the civil law changes, this bill also amends section 365 of the Queensland Criminal Code which covers the criminal offence of defamation. This ensures that the new defences and exemptions also operate as a lawful excuse in criminal defamation proceedings. It means that organisations which may be protected under the new amendments do not remain liable for criminal defamation. By putting these reforms into action we are protecting everyday people and our local businesses from unfair exposure to defamatory statements. We are balancing that with the need to uphold the right to free speech for all Queenslanders. This ensures social media platforms, community forums and search services can operate with clarity about their responsibilities while still enabling free discussion.

For people in Capalaba and across the state it also gives confidence that when someone posts something unjust or malicious, there is a path to remedy and a signal that our laws treat reputations seriously. In turn, it supports healthy online communities where people engage, know their rights and feel secure. This is what Queenslanders expect in a modern digital world.

This bill is about bringing Queensland's defamation laws into line with the rest of the country and modernising them to keep pace with the demands of the digital age. We promised Queenslanders a fresh start, and this bill is part of delivering that. We are ensuring that we have laws that remain fit for purpose and reflect the reality of modern Queensland. I commend the bill to the House.