

Defamation and Other Legislation Amendment Bill 2025

Sandy Bolton, MP for Noosa

Thank you, Mr Speaker.

As part of ongoing national reform of defamation laws to deliver uniformity across Australian jurisdictions and address the rapidly evolving digital landscape in which we all find ourselves, this Bill amends the Defamation Act 2005.

Specifically, it provides additional, though limited, protection to digital intermediaries from defamation liability where their involvement is technical services, such as where they are the host of the information being posted, not the active publisher or creator of that information. For example, social media platforms, review sites and search engines as well as individuals acting as page moderators.

For our community Facebook page moderators who are volunteering their time, not a conglomerate like Google, this bill does provide some additional protection.

It is important to note that this is only available where an effective complaints mechanism is in place, actioned within the 7-day timeframe hence the importance for all of us that have pages to monitor constantly comments.

The Bill also allows for ‘an offer to make amends’ including the removal of defamatory content and court powers to order content to be removed or blocked, and in specific cases, require the disclosure of the identity of anonymous posters and commenters. This is a positive step in reducing harm, which impacts both individuals, businesses and whole communities through incitement. No wonder so many have left social media.

The LGAQ submission raises relevant questions around the practical implementation of these laws and the Department’s response to consider use of the defence on a case-by-case basis strongly suggests the need for clarity in how these laws will practically work on a day-to-day basis.

There is no doubting the complexities of the digital ecosystem – the technologies and human behaviour that drive the different ways we create, share and consume content. Few people can accurately foresee the future, with the only certainty that it will continue to change rapidly in ways we can barely imagine.

Next, the bill extends the ‘absolute privilege’ defence to Australian police forces and ‘a complete indemnity’ for anyone making a complaint to police, regardless of the content or nature of that complaint.

This is important as noted by the North QLD Women’s Legal Service and Office of the Victims’ Commissioner in their

submissions to help prevent what is known as the 'chilling factor' which is where the threat of defamation is used by alleged perpetrators to silence their accusers and dissuade them from reporting crime and abuse, preventing them getting much needed help and justice.

Removing this threat takes away another potential controlling mechanism used against those already traumatised.

In closing, we need to continue efforts to balance freedom of speech against the reputational damage caused by defamation, especially when hiding behind a fake name online.

It is up to each and every one of us to consider the effects of our words and behaviours online, and the trauma it can bring including suicides.

Our responsibility is to not only to ourselves, it is to those around us to stop defaming, bullying or harassing others with words otherwise ultimately governments have no choice than to step in as with the social media ban for our youngsters in order to protect. Leaving responsibilities to governments is disempowering, so please help stop the vitriol and ugliness, and treat others as you wish to be treated' Or even better, if you have nothing good to say, say nothing at all!