

12 May 2021

Our ref: KB-LRC

Committee Secretary
Legal Affairs and Safety Committee
Parliament House
George Street
Brisbane Qld 4000

By email: [REDACTED]

Dear Committee Secretary

Defamation (Model Provisions) and Other Legislation Amendment Bill

Thank you for the opportunity to provide this submission to the Inquiry into the Defamation (Model Provisions) and Other Legislation Amendment Bill 2021.

We note from the explanatory material that the bill reflects agreed national reforms flowing from the Council of Attorneys-General – Review of Model Defamation Provisions, which have already been enacted in some other states.

QLS broadly supports the objectives of the amendments, particularly to achieve consistency across the Australian jurisdictions. We especially welcome the proposed defence of publication of matter concerning issues of public interest, noting that this had been a feature of defamation law in Queensland for over 100 years until the introduction of the Defamation Act 2005.

However, we note that some of the reforms introduce significant changes to this area of law - in particular making serious harm an element of the cause of action, requiring a concerns notice to be given and the applicable period to have expired before someone can commence an action in a court (unless a court otherwise orders in certain circumstances), a new defence in relation to a matter related to a scientific or academic issue, and changes to limitation periods.

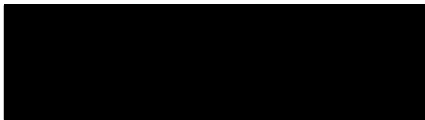
The effect of these changes in Queensland and elsewhere across Australia should be monitored to ensure that any unintended consequences arise can be identified and addressed.

We also note that the Stage 2 Review of the Model Defamation Provisions is currently progressing. We look forward to engaging with the Government on any further, necessary reform following this review.

Defamation (Model Provisions) and Other Legislation Amendment Bill

If you have any queries regarding the contents of this letter, please do not hesitate to contact our Legal Policy team via policy@qls.com.au or by phone on (07) 3842 5930.

Yours faithfully



Elizabeth Shearer
President