1. In November 2004, the former Standing Committee of Attorneys-General endorsed the model defamation provisions (MDPs) and thereafter each state and territory enacted legislation to implement them. In Queensland, the *Defamation Act 2005* commenced on 1 January 2006.
2. In June 2018, the former Council of Attorneys-General (Council) agreed to reconvene the Defamation Working Party (DWP), led by the New South Wales Department of Justice, to consider whether the policy objectives of the MDPs remain valid and whether the provisions remain appropriate to achieve their objectives.
3. The DWP undertook public consultation on a discussion paper, a number of targeted stakeholder roundtables and further supplementary consultation on a range of additional issues which informed the development of the Model Defamation Amendment Provisions (MDAPs).
4. At its meeting on 27 July 2020, the Council approved the MDAPs.
5. In Queensland, the MDAPs are contained in the Defamation (Model Provisions) and Other Legislation Amendment Bill 2021 (the Bill). Some of the more significant reforms include amendments to:
* introduce a single publication rule similar to section 8 of the *Defamation Act 2013* (UK) (UK Act) for multiple publications of the same defamation matter by the same publisher (or an associate of the publisher) so that the start date of the one-year limitation period for each publication runs from the date of the first publication; and, for an electronic publication, from when it is uploaded or sent to the recipient;
* introduce a serious harm threshold, similar to section 1 of the *Defamation Act 2013* (UK), requiring the plaintiff to establish that the publication has caused or is likely to cause serious harm to their reputation and the abolition of the defence of triviality;
* make it mandatory to issue a concerns notice prior to going to court; and clarify the offer to make amends process, including the required content and the timeframes;
* introduce two new defences - a public interest defence based on the defence of "publication on matter of public interest" in section 4 of the UK Act and providing that
peer-reviewed statements/assessments in a scientific or academic journal are privileged; and
* clarify that the cap on damages for non-economic loss sets the upper limit on a scale and applies regardless of whether aggravated damages apply.
1. The Bill also contains amendments to repeal sections 10 and 11 from the *Heavy Vehicle National Law and Other Legislation Amendment Act 2019* to prevent unintended operational outcomes for industry that would result if the provisions were commenced.
2. Cabinet approved the introduction of the Defamation (Model Provisions) and Other Legislation Amendment Bill 2021 into the Legislative Assembly.
3. *Attachments*
* [Defamation (Model Provisions) and Other Legislation Amendment Bill 2021](Attachments/Bill.PDF)
* [Explanatory Notes for the Bill](Attachments/ExNotes.PDF)
* [Statement of Compatibility for the Bill](Attachments/SoC.PDF)