



# **Defamation and Other Legislation Amendment Bill 2025**





## Queensland

# Defamation and Other Legislation Amendment Bill 2025

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**2025**

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# **A Bill**

for

**An Act to amend the Criminal Code and the *Defamation Act 2005*  
for particular purposes**

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[s 1]

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**The Parliament of Queensland enacts—** 1

**Part 1 Preliminary** 2

**Clause 1 Short title** 3  
This Act may be cited as the *Defamation and Other* 4  
*Legislation Amendment Act 2025.* 5

**Clause 2 Commencement** 6  
This Act commences on the day that is 7 days after the date of 7  
assent. 8

**Part 2 Amendment of Defamation Act** 9  
**2005** 10

**Clause 3 Act amended** 11  
This part amends the *Defamation Act 2005.* 12

**Clause 4 Amendment of s 4 (Interpretation)** 13  
Section 4(2)— 14  
*omit.* 15

**Clause 5 Insertion of new pt 2, div 2A** 16  
Part 2— 17  
*insert—* 18

**Division 2A Exemptions from liability** 19  
**for digital intermediaries** 20

**10C Exemption for digital intermediaries providing  
caching services, conduit services or storage  
services**

- (1) A digital intermediary is not liable for defamation for the publication of digital matter if the intermediary proves—
    - (a) the matter was published using 1 or more of the following services provided by the intermediary—
      - (i) a caching service;
      - (ii) a conduit service;
      - (iii) a storage service; and
    - (b) the intermediary's role in the publication was limited to providing 1 or more of the services mentioned in paragraph (a); and
    - (c) the intermediary did not do any of the following—
      - (i) initiate the steps required to publish the matter;
      - (ii) select any of the recipients of the matter;
      - (iii) encourage the poster of the matter to publish the matter;
      - (iv) edit the content of the matter, whether before or after it was published;
      - (v) promote the matter, whether before or after it was published.
  - (2) Subsection (1)(c) does not apply in relation to action taken because it is required by or under a law of an Australian jurisdiction or an order of an Australian court or Australian tribunal.
- Example—*
- action taken to comply with a code of conduct or other document regulating conduct that a digital intermediary

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	is required to comply with by a law of an Australian jurisdiction	1 2
(3)	Subsection (1) applies regardless of whether the digital intermediary knew, or ought reasonably to have known, the digital matter was defamatory.	3 4 5
(4)	In this section—	6
	<b><i>caching service</i></b> means an online service whose principal function is to provide automatic, intermediate and temporary storage of content for the purpose of making the onward electronic transmission of the content more efficient for its users.	7 8 9 10 11 12
	<i>Example of a caching service—</i>	13
	a service for temporarily and automatically storing files that are most frequently downloaded by users of a website to speed up the download time for the files	14 15 16
	<b><i>conduit service</i></b> means an online service whose principal function is to enable its users to access or use networks or other infrastructure to connect to, or send or receive data by means of, the internet.	17 18 19 20 21
	<i>Examples of a conduit service—</i>	22
	<ul style="list-style-type: none"><li>a service provided by an internet service provider enabling its users to connect to the internet</li><li>an internet-based service enabling its users to send emails or send text messages to other persons</li></ul>	23 24 25 26
	<b><i>storage service</i></b> means an online service, other than a caching service, whose principal function is to enable its users to store content remotely.	27 28 29
	<i>Example of a storage service—</i>	30
	an internet-based cloud service enabling its users to store documents, videos or photographs for later retrieval	31 32 33

**10D Exemption for search engine providers** 34

(1) A search engine provider for a search engine is 35



- 
- not liable for defamation for— 1
- (a) the publication of digital matter comprised 2  
of search results if the provider's role was 3  
limited to providing an automated process 4  
for the user of the search engine to generate 5  
the results; or 6
- (b) the publication of digital matter to which the 7  
search results provide a hyperlink if the 8  
provider's role in the publication of the 9  
matter is limited to the role mentioned in 10  
paragraph (a). 11
- (2) Subsection (1) does not apply in relation to search 12  
results, or to digital matter to which the search 13  
results provide hyperlinks, to the extent the results 14  
are promoted or prioritised by the search engine 15  
provider because of a payment or other benefit 16  
given to the provider by or on behalf of a third 17  
party. 18
- (3) Subsection (1) applies regardless of whether the 19  
search engine provider knew, or ought reasonably 20  
to have known, the digital matter was defamatory. 21
- (4) In this section— 22
- search engine*** means a software application or 23  
system designed to enable its users to search for 24  
content on the internet. 25
- search engine provider***, for a search engine, 26  
means a person who maintains, or provides users 27  
with access to the search functions of, the search 28  
engine. 29
- search result*** means a result generated by a search 30  
engine that is limited to identifying a webpage on 31  
which content is located by reference to 1 or more 32  
of the following— 33
- (a) the title of the webpage; 34
- (b) a hyperlink to the webpage; 35
-

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(c) an extract from the webpage;	1
(d) an image from the webpage.	2
<b>10E Early determination of digital intermediary exemptions</b>	3 4
(1) The judicial officer in defamation proceedings—	5
(a) is to determine whether a defendant has a digital intermediary exemption; and	6 7
(b) is to determine whether a digital intermediary exemption is established as soon as practicable before the trial for the proceedings commences unless satisfied that there are good reasons to postpone the determination to a later stage of the proceedings; and	8 9 10 11 12 13 14
(c) may make any orders the judicial officer considers appropriate concerning the determination of the issue, including dismissing the proceedings if satisfied the digital intermediary exemption is established.	15 16 17 18 19 20
(2) Without limiting subsection (1)—	21
(a) the following matters are relevant in deciding whether there are good reasons to postpone the determination of whether a digital intermediary exemption is established to a later stage of the proceedings—	22 23 24 25 26 27
(i) the cost implications for the parties;	28
(ii) the resources available to the court at the time;	29 30
(iii) the extent to which technical or scientific issues are raised in the proceedings;	31 32 33

- 
- (iv) the extent to which establishing the digital intermediary exemption is linked to other issues for determination during the trial for the proceedings; and
- (b) the judicial officer may determine a digital intermediary exemption is established on the pleadings without the need for further evidence if satisfied that the pleaded particulars are sufficient to establish the exemption.
- (3) Nothing in this section limits the powers that a judicial officer may have apart from this section to dismiss defamation proceedings, whether before or after the trial for the proceedings commences.
- (4) In this section—  
*digital intermediary exemption* means an exemption from liability for defamation mentioned in section 10C or 10D.

**Clause 6      Amendment of s 15 (Content of offer to make amends)**

- (1) Section 15(1A)(b)—  
*omit, insert—*
- (b) if the matter is digital matter—an offer to take access prevention steps in relation to the matter; or
- (2) Section 15—  
*insert—*
- (1B) If the matter in question is digital matter, an offer to take access prevention steps may be made instead of, or in addition to, either or both of the offers mentioned in subsection (1)(d) and (e).

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<b>Clause 7</b>	<b>Insertion of new s 23A</b>	1
	After section 23—	2
	<i>insert—</i>	3
	<b>23A Orders for preliminary discovery about posters of digital matter</b>	4
		5
	(1) This section applies if the court procedure law for a court allows a person seeking to bring defamation proceedings for the publication of digital matter to obtain an order for, or in the nature of, preliminary discovery for either or both of the following purposes—	6 7 8 9 10 11
	(a) to obtain information to assist in identifying the posters of the matter;	12 13
	(b) to obtain information to assist in locating physical or digital addresses for the posters of the matter to allow concerns notices to be given to them or defamation proceedings against them to be commenced.	14 15 16 17 18
	(2) Despite anything to the contrary in the court procedure law for a court, the court must take the following matters into account before making an order mentioned in subsection (1)—	19 20 21 22
	(a) the objects of this Act;	23
	(b) privacy, safety or other public interest considerations that may arise if the order is made.	24 25 26
	<i>Example for paragraph (b)—</i>	27
	evidence suggesting the poster of digital matter is in fear of domestic violence from the person seeking an order to obtain the poster’s address	28 29 30
	(3) This section does not limit the matters the court may take into account before making an order mentioned in subsection (1).	31 32 33
	(4) In this section—	34

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- court procedure law*, for a court, means— 1
- (a) rules of court for the court; or 2
  - (b) an Act or other legislation that regulates the 3  
practice or procedure of the court; or 4
  - (c) the general law concerning the inherent or 5  
implied jurisdiction or powers of the court. 6

- Clause 8 Amendment of s 27 (Defence of absolute privilege) 7**
- (1) Section 27(2)— 8
- insert—* 9
- (ba) the matter is published to a person who, at 10  
the time of the publication, is an official of a 11  
police force or service of an Australian 12  
jurisdiction and it is published to the official 13  
while the official is acting in an official 14  
capacity; or 15
- (2) Section 27— 16
- insert—* 17
- (3) In this section— 18
- official*, of a police force or service of an 19  
Australian jurisdiction, means— 20
- (a) an officer, employee or member of staff of 21  
the police force or service; or 22
  - (b) another person engaged to act for or on 23  
behalf of the police force or service. 24

- Clause 9 Insertion of new s 31A 25**
- After section 31— 26
- insert—* 27

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<b>31A Defence for publications involving digital intermediaries</b>	1 2
(1) It is a defence to the publication of defamatory digital matter if the defendant proves—	3 4
(a) the defendant was a digital intermediary in relation to the publication; and	5 6
(b) the defendant had, at the time of the publication, an accessible complaints mechanism for the plaintiff to use; and	7 8 9
(c) if the plaintiff gave the defendant a written complaint under this section about the publication—reasonable access prevention steps, if steps were available, were taken in relation to the publication, whether before the complaint was given or within 7 days after the complaint was given.	10 11 12 13 14 15 16
<i>Notes—</i>	17
1 The defendant is not required to prove paragraph (c) to establish the defence if the plaintiff has not given the defendant a written complaint about the publication under this section. Subsection (3) sets out requirements for giving written complaints.	18 19 20 21 22 23
2 Subsection (6) defines <i>accessible complaints mechanism</i> .	24 25
(2) For subsection (1)(c), reasonable access prevention steps were taken in relation to the publication of digital matter if—	26 27 28
(a) for access prevention steps taken by the defendant—the steps taken were reasonable for the defendant to take in the circumstances; or	29 30 31 32
(b) for access prevention steps taken by another person—it was reasonable for the defendant not to take steps because of the steps already taken.	33 34 35 36

- 
- (3) A written complaint is given under this section about the publication of defamatory digital matter if—
- (a) the complaint contained information sufficient to enable a reasonable person in the defendant's circumstances to be made aware of the following—
- (i) the name of the plaintiff;
- (ii) the matter and where it could be located;
- (iii) that the plaintiff considered the matter to be defamatory; and
- (b) the complaint was given using an accessible complaints mechanism for the plaintiff to use or given to the defendant in another way permitted by section 44.
- (4) A defence under this section is defeated only if the plaintiff proves the defendant was actuated by malice in establishing or providing the online service by means of which the digital matter was published.
- (5) A defendant who would otherwise be a digital intermediary in relation to the publication of digital matter does not cease to be a digital intermediary for this section merely because the defendant took steps to detect or identify, or steps to remove, block, disable or otherwise prevent access by persons to, the following—
- (a) defamatory or other unlawful content published, or sought to be published, by a person using the online service provided by the defendant;
- (b) other content published, or sought to be published, by a person using the online service provided by the defendant that was

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	incompatible with the terms or conditions	1
	under which the service was provided.	2
	<i>Note—</i>	3
	This subsection allows a defendant to rely on the	4
	defence despite the definition of <i>digital intermediary</i> in	5
	schedule 5 excluding authors, originators or posters of	6
	digital matter if the defendant’s editorial or moderating	7
	role over content published using the online service was	8
	limited to the steps mentioned in the subsection.	9
(6)	In this section—	10
	<b><i>accessible complaints mechanism</i></b> , for a plaintiff	11
	to use, means an easily accessible address,	12
	location or other mechanism available for the	13
	plaintiff to use to complain to the defendant about	14
	the publication of the digital matter concerned.	15
	<i>Examples of an accessible complaints mechanism</i>	16
	• an email address or direct messaging address to	17
	which a complaint may be sent	18
	• a webpage, or a part of a webpage, enabling details	19
	about a complaint to be uploaded or inputted	20
<b>Clause 10</b>	<b>Insertion of new s 39A</b>	21
	After section 39—	22
	<i>insert—</i>	23
	<b>39A Orders against non-party digital</b>	24
	<b>intermediaries concerning defamatory digital</b>	25
	<b>matter</b>	26
(1)	This section applies in relation to defamation	27
	proceedings for the publication of digital matter	28
	if—	29
(a)	the plaintiff has obtained judgment for	30
	defamation against the defendant in the	31
	proceedings; or	32
(b)	a court has granted a temporary injunction	33
	or makes another temporary order	34



- 
- preventing the defendant from continuing to  
publish, or from republishing, the matter  
pending the determination of the  
proceedings; or
  - (c) a court has granted a final injunction or  
makes another final order preventing the  
defendant from continuing to publish, or  
from republishing, the matter.
  - (2) In defamation proceedings to which this section  
applies, the court may order a digital intermediary  
who is not a party to the proceedings (a ***non-party  
digital intermediary***) to take access prevention  
steps or other steps the court considers necessary  
in the circumstances—
  - (a) to prevent or limit the continued publication  
or republication of the matter; or
  - (b) to comply with, or otherwise give effect to,  
the judgment, injunction or other order  
mentioned in subsection (1).
  - (3) Without limiting subsection (2), an order under  
this section may—
  - (a) require 1 or more steps to be taken; or
  - (b) require a step to be taken in relation to all, or  
only some, of the users of an online service.
  - (4) The court may not make an order under this  
section against a non-party digital intermediary  
unless the intermediary has been given an  
opportunity to be heard about whether it is  
appropriate for the order to be made.
  - (5) Despite subsection (4), the court may make a  
temporary order without giving the non-party  
digital intermediary an opportunity to be heard  
about whether it is appropriate to make the order  
if the court considers it necessary in the  
circumstances for the order to be made  
expeditiously pending a subsequent hearing
-

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concerning whether a further temporary order or a  
final order should be made. 1 2

(6) An order may be made under this section even if 3  
the non-party digital intermediary is not, or may 4  
not be, liable for defamation, including because of 5  
a defence, for the publication of the digital matter 6  
to which the defamation proceedings relate. 7

(7) This section does not limit other powers the court 8  
may have apart from this section to grant 9  
injunctions or make other orders requiring a 10  
non-party digital intermediary to take access 11  
prevention steps or other steps. 12

**Clause 11      Amendment of s 44 (Giving of notices and other 13  
documents) 14**

(1) Section 44(1)(a)(iv)— 15  
*omit, insert— 16*

(iv) by sending it by email, messaging or other 17  
electronic communication to an electronic 18  
address or location indicated by the person 19  
for giving documents to, or serving 20  
documents on, the person; or 21

(2) Section 44(1)(b)(iii)— 22  
*omit, insert— 23*

(iii) by sending it by email, messaging or other 24  
electronic communication to an electronic 25  
address or location indicated by the body 26  
corporate for giving documents to, or 27  
serving documents on, the body corporate. 28

*Examples for paragraphs (a)(iv) and (b)(iii)— 29*

- an email address or direct messaging address set out 30  
on an internet-based social media forum for 31  
contacting the administrator of the forum about 32  
content on the forum 33

	<ul style="list-style-type: none"> <li>an email address or direct messaging address provided by the poster of digital matter on an internet-based social media forum for contacting the poster about the content of the matter</li> <li>a form on a website provided by a digital intermediary enabling a user to contact the intermediary by filling in the form or uploading documents</li> </ul>	1 2 3 4 5 6 7 8
(3)	Section 44(2), after ‘be’— <i>insert—</i> given to or	9 10 11
<b>Clause 12</b>	<b>Insertion of new pt 6 and div 1, hdgs</b> After section 47— <i>insert—</i>	12 13 14
	<b>Part 6</b> <b>Transitional provisions</b>	15
	<b>Division 1</b> <b>Transitional provision for Act No. 55 of 2005</b>	16 17
<b>Clause 13</b>	<b>Amendment of s 49 (Savings, transitional and other provisions for Act No. 55 of 2005)</b> Section 49, heading— <i>omit, insert—</i>	18 19 20 21
	<b>49 Causes of action for publication of defamatory matter</b>	22 23
<b>Clause 14</b>	<b>Insertion of new pt 6, div 2, hdg</b> After section 49— <i>insert—</i>	24 25 26

[s 15]

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<b>Division 2</b>	<b>Transitional provision for Defamation (Model Provisions) and Other Legislation Amendment Act 2021</b>	1
		2
		3
		4
		5

<b>Clause 15</b>	<b>Amendment of s 50 (Transitional provision for Defamation (Model Provisions) and Other Legislation Amendment Act 2021)</b>	6
		7
		8
	Section 50, heading—	9
	<i>omit, insert—</i>	10
	<b>50 Publication of defamatory matter after commencement</b>	11
		12

<b>Clause 16</b>	<b>Insertion of new pt 6, div 3</b>	13
	Part 6, as inserted by this Act—	14
	<i>insert—</i>	15
	<b>Division 3</b>	<b>Transitional provisions for Defamation and Other Legislation Amendment Act 2025</b>
		16
		17
		18
		19

<b>51 Definitions for division</b>	20
In this division—	21
<i>2025 amendments</i> means amendments made to this Act by the <i>Defamation and Other Legislation Amendment Act 2025</i> .	22
	23
	24
<i>existing law</i> , in relation to the 2025 amendments about a subject, means the law that would have applied if the amendments had not been enacted.	25
	26
	27

*post-commencement action*, in relation to the 1  
2025 amendments about a subject, means a cause 2  
of action for the publication of defamatory matter 3  
accruing after the commencement of the 4  
amendments. 5

*pre-commencement action*, in relation to the 6  
2025 amendments about a subject, means a cause 7  
of action for the publication of defamatory matter 8  
accruing before the commencement of the 9  
amendments. 10

## 52 Digital intermediary amendments 11

- (1) This section applies to the 2025 amendments 12  
about the following (the *digital intermediary* 13  
*amendments*)— 14
- (a) exempting digital intermediaries from 15  
liability for defamation; 16
- (b) providing a defence for publications of 17  
defamatory digital matter involving digital 18  
intermediaries. 19
- (2) Except as provided by subsection (3)(b), the 20  
digital intermediary amendments apply to a 21  
post-commencement action. 22
- (3) The existing law continues to apply despite the 23  
digital intermediary amendments— 24
- (a) to a pre-commencement action; and 25
- (b) to a post-commencement action, but only 26  
if— 27
- (i) the post-commencement action is 1 of 28  
2 or more causes of action in 29  
proceedings commenced by a plaintiff; 30  
and 31
- (ii) each cause of action in the proceedings 32  
accrues because of the publication of 33

[s 16]

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the same, or substantially the same, 1  
matter on separate occasions, whether 2  
by the same defendant or another 3  
defendant; and 4  
(iii) 1 or more of the other causes of action 5  
in the proceedings are 6  
pre-commencement actions; and 7  
(iv) the post-commencement action 8  
accrued no later than 1 year after the 9  
date on which the earliest 10  
pre-commencement action in the 11  
proceedings accrued. 12

**53 Offer amendments** 13

- (1) This section applies to the 2025 amendments 14  
about offers to make amends (the *offer* 15  
*amendments*). 16  
(2) The offer amendments apply to offers to make 17  
amends made after the commencement of the 18  
amendments regardless of whether the offers 19  
relate to publications occurring before or after the 20  
commencement. 21  
(3) The existing law continues to apply despite the 22  
offer amendments to offers to make amends made 23  
before the commencement of the amendments. 24

**54 Preliminary discovery or non-party digital intermediary order amendments** 25  
26

- (1) This section applies to the 2025 amendments 27  
about courts making the following orders (the 28  
*preliminary discovery or non-party digital* 29  
*intermediary order amendments*)— 30  
(a) for, or in the nature of, preliminary 31  
discovery; 32  
(b) to take steps— 33

- 
- (i) to prevent or limit the continued publication or republication of defamatory matter; or
    - (ii) to comply with, or otherwise give effect to, judgments, injunctions or other court orders.
  - (2) Except as provided by subsection (3)(b), the preliminary discovery or non-party digital intermediary order amendments apply to the making of an order after the commencement of the amendments regardless of whether the proceedings in which the order is made—
    - (a) involve a pre-commencement action or post-commencement action; or
    - (b) were commenced before or after the commencement of the amendments.
  - (3) The existing law continues to apply despite the preliminary discovery or non-party digital intermediary order amendments—
    - (a) to an order made before the commencement of the amendments; or
    - (b) to the variation or revocation of an order made before the commencement of the amendments.

## 55 Absolute privilege amendments

- (1) This section applies to the 2025 amendments about the defence of absolute privilege in its application to publications to officials of police forces or services of Australian jurisdictions (the *absolute privilege amendments*).
- (2) The absolute privilege amendments apply to a post-commencement action.
- (3) The existing law continues to apply despite the

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absolute privilege amendments to a 1  
pre-commencement action. 2

**56 Document giving or service amendments** 3

(1) This section applies to the 2025 amendments 4  
about the ways in which notices or other 5  
documents for the purposes of this Act must or 6  
may be given to, or served on, individuals or 7  
bodies corporate (the *document giving or service* 8  
*amendments*). 9

(2) The document giving or service amendments 10  
apply to the giving or service of notices or other 11  
documents after the commencement of the 12  
amendments regardless of whether the notices or 13  
other documents relate— 14

(a) to pre-commencement actions or 15  
post-commencement actions; or 16

(b) to proceedings commenced before or after 17  
the commencement of the amendments. 18

(3) The existing law continues to apply despite the 19  
document giving or service amendments to the 20  
giving or service of notices or other documents 21  
before the commencement of the amendments. 22

**Clause 17 Amendment of schedule, hdg (Schedule numbers 1–3 not 23  
used)** 24

Schedule, heading, ‘3’— 25

*omit, insert—* 26

**4** 27

**Clause 18 Amendment of sch 5 (Dictionary)** 28

Schedule 5— 29

*insert—* 30



***access prevention step***, in relation to the publication of digital matter, means a step—

- (a) to remove the matter; or
- (b) to block, disable or otherwise prevent access, whether by some or all persons, to the matter.

***digital intermediary***, in relation to the publication of digital matter, means a person, other than an author, originator or poster of the matter, who provides or administers the online service by means of which the matter is published.

*Note—*

There may be more than 1 digital intermediary in relation to the publication of the same digital matter.

***digital matter*** means matter published in electronic form by means of an online service.

***online service*** means a service provided to a person, whether or not it is requested or it is for a fee or reward, to enable the person to use the internet, including, without limitation, a service enabling a person—

- (a) to access or connect to the internet; or
- (b) to use the internet to do 1 or more of the following—
  - (i) send or receive content;
  - (ii) store content;
  - (iii) index content;
  - (iv) search for content;
  - (v) share content;
  - (vi) interact with other persons.

*Examples of an online service—*

- an internet-based social media platform
- a forum created or administered by a person using a facility provided by an internet-based social media platform that enables users to share content or interact with other users about a topic
- a website or other internet-based platform that enables knowledge to be shared by or with its users

## Part 3      Amendment of Criminal Code

**Clause 19 Code amended**

This part amends the Criminal Code.

**Clause 20      Amendment of s 365 (Criminal defamation)**

- (1) Section 365(1), ‘, without lawful excuse,’—

*omit.*

- (2) Section 365—

*insert—*

- (1A) However, the person does not commit an offence against subsection (1) if the person has a lawful excuse for the publication of the defamatory matter.

- (3) Section 365(2), ‘subsection (3)’—

*omit, insert—*

subsection (4) or (5)

- (4) Section 365—

*insert—*

- (3A) This subsection applies if, having regard to the circumstances happening before, at the time of publication or after the publication—

- (a) the accused person would not be liable for defamation for the publication under a relevant digital intermediary provision if the relevant person brought civil proceedings

[s 21]

- 
- for defamation against the accused person; 1
  - or 2
  - (b) the accused person would have a digital 3
  - intermediary defence for the publication if 4
  - the relevant person brought civil 5
  - proceedings for defamation against the 6
  - accused person. 7
  - (5) Section 365(8)— 8
  - insert—* 9
  - digital intermediary defence*** means the defence 10
  - stated in the *Defamation Act 2005*, section 31A. 11
  - relevant digital intermediary provision*** means 12
  - the *Defamation Act 2005*, section 10C or 10D. 13
  - (6) Section 365(8), definition *relevant defence*, paragraph (a)— 14
  - omit, insert—* 15
  - (a) a defence available under the *Defamation* 16
  - Act 2005* other than— 17
  - (i) the statutory defence of failure to 18
  - accept reasonable offer; or 19
  - (ii) the statutory defence of justification; or 20
  - (iii) the digital intermediary defence; or 21
  - (7) Section 365(1A) to (8)— 22
  - renumber* as section 365(2) to (10). 23

**Clause 21 Insertion of new pt 9, ch 113** 24

Part 9— 25

*insert—* 26

[s 21]

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<b>Chapter 113</b>	<b>Transitional provision</b>	1
	<b>for Defamation and</b>	2
	<b>Other Legislation</b>	3
	<b>Amendment Act 2025</b>	4

<b>768 Proceedings for criminal defamation</b>	5
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(1) Former section 365 continues to apply to a proceeding for an offence in relation to defamatory matter published before the commencement.	6
	7
	8
	9

(2) New section 365 applies to a proceeding for an offence in relation to defamatory matter published after the commencement.	10
	11
	12

(3) Subsection (1) applies despite section 11.	13
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(4) In this section—	14
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<i>former section 365</i> means section 365 as in force immediately before the commencement.	15
	16

<i>new section 365</i> means section 365 as in force from the commencement.	17
	18

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