

**LEGISLATIVE COUNCIL**  
**Question Without Notice**

**Tuesday, 15 November 2022**

**C1228. Hon Nick Goiran to the Parliamentary Secretary representing the Attorney General**

I refer to the Model Defamation Amendment Provisions 2020 which the Council of Attorneys-General approved back in July 2020, and your statement published in the Financial Review on 11 April 2021 that said passage of the model bill was “in progress, but not imminent”, and I ask:

1. Did you attend the Council of Attorneys-General meeting on 31 March 2021?
2. Did the Attorneys-General at that meeting agree to commence the Model Defamation Amendment Provisions on 1 July 2021 or as soon as possible thereafter?
3. Which jurisdictions have commenced the Model Defamation Amendment Provisions 2020?
4. Given more than 19 months have passed since you made your statement, are you planning to introduce a Bill this year?

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**Answer**

1. Yes.
2. Yes / I table the communiqué for the Meeting of Attorneys-General on 31 March 2021.
3. The Model Defamation Amendment Provisions 2020 have commenced in New South Wales, Victoria, South Australia, Queensland, the Australian Capital Territory and Tasmania.
4. The Government is progressing a full legislative reform agenda and must balance competing priorities. Matters regarding legislative reform are decisions of Cabinet and are Cabinet-in-confidence.

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## COMMUNIQUE

### MEETING OF ATTORNEYS-GENERAL — 31 MARCH 2021

The inaugural Meeting of Attorneys-General (MAG) was held on 31 March 2021 by videoconference. All jurisdictions were represented.

The meeting was chaired by Senator the Hon Michaelia Cash, Commonwealth Attorney-General.

#### SUMMARY OF DECISIONS

##### **Family Violence – National Information Sharing Framework**

Participants agreed in principle to a policy paper on information sharing between state and territory agencies and the Commonwealth family law courts as a step towards finalisation of the *National Strategic Framework for Information Sharing between the Family Law and Family Violence and Child Protection Systems*. Participants tasked the Family Violence Working Group with developing a final National Framework for consideration by the end of the year.

##### **Protecting Older Australians – National Register of Enduring Powers of Attorney**

Attorneys-General agreed to further consultation on arrangements for a National Register of Enduring Powers of Attorney, to provide a progress update to be presented to the Meeting of Attorneys-General by the end of the year.

##### **Model Defamation Review**

Attorneys-General agreed to release the Discussion Paper for the Stage 2 Review of the Model Defamation Provisions (Stage 2 Discussion Paper) for public consultation.

Part A of the Stage 2 Discussion Paper addresses the question of internet intermediary liability in defamation for the publication of third-party content. Part B considers whether defamation law impacts reports of alleged criminal conduct to police and statutory investigative bodies and reports of misconduct to employers and professional disciplinary bodies.

The Stage 2 Discussion Paper seeks stakeholder feedback in response to 17 questions for Part A and four questions for Part B.

At the Council of Attorneys-General meeting on 27 July 2020, Attorneys-General approved the *Model Defamation Amendment Provisions*, concluding the Stage 1 Review of the Model Defamation Provisions. On 31 March 2021, Attorneys-General agreed that New South Wales, South Australia, Victoria and all other jurisdictions that are able to do so will commence the Model Defamation



## Meeting of Attorneys-General

Amendment Provisions 2020 on 1 July 2021, and remaining jurisdictions will commence those provisions as soon as possible thereafter.

### **Other business: Raising the minimum age of criminal responsibility**

Attorneys-General agreed that this item will be further considered out-of-session.