

Media Release

The Hon Jill Hennessy MP

Attorney-General

Minister for the Coordination of Justice and Community Safety – COVID-19



Tuesday, 13 October 2020

EMPOWERING VICTIM-SURVIVORS TO SPEAK ON THEIR TERMS

The Victorian Government has listened and taken urgent action to ensure victim-survivors of sexual assault can share their stories.

Attorney-General Jill Hennessy today announced amendments to the *Judicial Proceedings Reports Act* to empower victim-survivors to tell their stories – without having to seek court permission.

The *Justice Legislation Amendment (Supporting Victims and Other Matters) Bill 2020* will provide more control to victim-survivors over how, when and in what way their identity and story is published.

Importantly, the reforms will also continue to protect the privacy of victim-survivors who wish to remain anonymous.

The Bill will make it clear that victim-survivors can self-publish their identity, for example on social media, and allow most victim-survivors to be identified by consent, without court involvement.

It will also provide reassurance to survivors who have spoken out in the past, delivering immunity for a range of past publications.

The reforms were developed in close consultation with victim-survivors and those who work with them following a series of roundtables in September, including members of the 'Let her Speak' campaign, the Victims of Crime Consultative Committee, the Victim-Survivors' Advisory Council and the Victorian Centres Against Sexual Assault.

A second tranche of reforms will consider related issues, including a more detailed examination of how the law should apply to the publication of details of deceased victims.

The Bill will also amend the *Defamation Act 2005* and the *Limitation of Actions Act 1958*, implementing the 19 recommendations made by the Council of Attorneys-General Model Defamation Law Working Party – including introducing a new serious harm threshold and a new public interest test.

The changes strike a balance between the need to provide fair remedies for a person whose reputation is harmed and ensuring that these laws do not place unreasonable limits on freedom of expression, particularly regarding matters of public interest.

These changes will also ensure victim-survivors are better protected when speaking up by adding clear and fair tests to defamation cases.

Quotes attributable to Attorney-General Jill Hennessy

"Surviving sexual assault is not a source of shame—our laws will enable victim-survivors can speak publicly, on their terms."

"We will protect victim-survivors' rights to share their story – giving them the opportunity to heal and advocate for change so that we rid society of this violent behaviour."

"I thank the victim-survivors and advocates who offered their experience and expertise. Your insight and courage helped shape these laws and will protect the rights of anyone who speaks out about sexual assault."

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