

# Factsheet: Changes to sexual assault media reporting laws in Victoria

**#LetUsSpeak / #LetHerSpeak**

## **What are the new 'gag laws' and when did they come into effect?**

Under recent changes made to the [Judicial Proceedings Reports Act](#) - which took effect on February 7, 2020 - it is now an offence for some sexual assault victims and survivors in Victoria to publish their own identities. The laws apply in cases where charges have been laid against the accused and proceedings are pending. They also apply in cases where a conviction is in place.

It is also an offence for others (including media) to publish the identity of a victim-survivor, or information which could lead to the identification of a victim-survivor, if proceedings are pending or a conviction is in place.

The exception to the above is if the victim-survivor seeks and is granted a court order from the relevant court, authorising the publication of their identity.

## **Do the new laws still apply to older cases which were finalised prior to the change?**

Yes. The laws apply irrespective of when the crime occurred, or when a conviction was handed down. This means that some victim-survivors who were able to waive their right to anonymity in the past, will now need to obtain a court order if they wish to speak out or continue to be identified by the media.

## **What are the punishments for breaking the new laws?**

An individual who is found guilty of breaking the law can be fined up to \$3304 or face up to four months in jail, or both. A corporation found guilty of breaking the law can be fined up to \$8261.

## **Why has this happened?**

In attempting to amend another problem with the law, a series of changes were passed by the Victorian Government. Unfortunately these changes have created unintended consequences for a number of sexual assault survivors who wish to be able to self-identify in media.

## What should I do if I am impacted by the change?

It is important to note that not everyone in Victoria who has experienced sexual assault or abuse will be directly impacted by the changes. If you have not reported your experience/s to police, or charges have not yet been laid, it is unlikely that you are impacted by the new laws. However this could change if you do decide to report to police, or if charges are laid in future.

If you are from Victoria or currently live in Victoria, but your experience/s of sexual assault or abuse occurred in another Australian jurisdiction, you will not be affected by the changes but you do need to consider what the law is in the place where your sexual assault or abuse occurred.

Similarly, if after reporting to police, the matter was dismissed, the case resulted in an acquittal, or all proceedings have now otherwise been disposed of, you will not be directly impacted by the changes to the law.

However, if you are a victim in a sexual offence matter in Victoria which resulted in a conviction, or if charges have been laid and are still pending, it is now a crime for your identity to be published without a court order.

If you have any concerns, or if you believe you are impacted by the law change, we encourage you to seek legal advice. If you are impacted, you will likely have various options available to you, including the option to apply for a court order which may then allow you to be identified in media. To apply for a court order, you will need to be over the age of 18, have mental capacity, and be able to cover a court application fee.

## What is the #LetHerSpeak / #LetUsSpeak campaign?

The #LetHerSpeak campaign was [first launched](#) in 2018, in support of a single sexual assault survivor in Tasmania who wanted her right to tell [her story](#) under her real name. Since then, the campaign has [successfully fought to reform](#) archaic sexual assault victim gag laws in both [Tasmania](#) and the [Northern Territory](#). As more survivors have joined the campaign, the '#LetUsSpeak' hashtag has also been adopted to be inclusive of survivors of all genders and a GoFundMe has been set up to [support the campaign](#). The Victorian #LetUsSpeak/ #LetHerSpeak campaign is a collaboration between End Rape On Campus Australia, Marque Lawyers and Rape & Sexual Assault Research & Advocacy initiative.

## Where can I get counselling support?

If you or someone you know has been impacted by sexual assault in Victoria, you can call the Sexual Assault Crisis Line Victoria 24/7 for free, on 1800 806 292.

**#LetUsSpeak contact:** [nina@endrapeoncampusau.org](mailto:nina@endrapeoncampusau.org)

