

STUART GRIMLEY MP

Member for Western Victoria
Party State Leader



TANIA MAXWELL MP

Member for Northern Victoria

DERRYN HINCH'S JUSTICE PARTY

MEDIA RELEASE

JUSTICE PARTY IMPLORES GOVERNMENT NOT TO GAG DECEASED

10 November 2020

Derryn Hinch's Justice Party has implored the Victorian Government to abandon provisions set to gag the families of deceased victims of sexual assault, during debate on the Justice Legislation Amendment (Supporting Victims and Other Matters) Bill in Parliament today.

In considering the legislation, Justice Party members Stuart Grimley and Tania Maxwell consulted widely with victim-survivors and families of deceased victims and paid tribute to everyone who had advocated publicly and privately on the potential impact of changes to the Judicial Proceedings Reports Act.

Stuart Grimley said a requirement of families of deceased victims to apply to the court for permission to name their loved one in the context of mentioning them as a sexual assault victim would impose trauma, time and cost, and that the opportunity exists now by way of suppression orders for those wanting their circumstances to remain private. Nina Funnell estimates the 12 cases that #LetUsSpeak crowd-funded have each cost between \$2,000 and over \$20,000 for what should be a human right.

Speaking emotionally on the Bill in Parliament, Tania Maxwell said it was untenable that changes to the Judicial Proceedings Reports Act would lift restrictions on the speech of survivors while simultaneously imposing new restrictions on the speech of the relatives of deceased sexual assault victims and anyone else trying to report on these tragedies.

Derryn Hinch's Justice Party proposed a temporary clause that would give the Attorney-General a new discretionary authority to provide more timely and responsive action for urgent requests to remove publishing prohibitions, however this wasn't taken up by the Government. Mr Grimley and Ms Maxwell said there needed to be an adjustment to the minimum age limit created in the Bill for people wanting to publicly reveal their identities without needing the approval of third party medical professionals, set at age 18 despite the fact that the general age of sexual consent in Victoria is 16. Further confusion around the already vexed issue of who should be regarded as a family member, as well as the lack of a clear conduit through which a survivor can provide consent to media outlets, should also be addressed.

Derryn Hinch's Justice Party indicated 'absolute support' for a range of general reforms in the Bill, including scanning of prison inmate mail; delegation of VOCAT powers; clarifications around detaining those who are an ongoing terrorist threat under the Commonwealth High Risk Offender Scheme; and changes to WorkCover, defamation laws and fire services reforms.

Debate on the legislation continues.

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Quotes attributable to Stuart Grimley MP:

“We have been put in quite an impossible position; to ungag living survivors, in order to gag the families of those who no longer have a voice.”

“Without necessary court orders, this legislation will effectively stop the publication of the names of victim, such as Jill Meagher and Masa Vukotic when referring to their sexual assault and murders, undermining the advocacy work Victoria has strived towards.”

“We’ve asked the Government to separate the elements relating to the gag on deceased victims’ families to allow for further consultation and a more straightforward process.”

Quotes attributable to Tania Maxwell MP:

“For many survivors of sexual violence, breaking the silence assists in the validation, healing and support for their trauma, as well as improving community understanding.”

“It’s very clear from our consultation over the proposed ‘gag law’ that sexual assault victims and their families are feeling that the Bill completely disrespects the rights, memories and legacies of rape and murder victims.”

“Given the lack of prosecutions in any Australian jurisdiction in this area, we’re struggling to discern any compelling reason for these new provisions.”

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