



STUART GRIMLEY MP

Member for Western Victoria
State Leader of Derryn Hinch's Justice Party

MEDIA RELEASE



Derryn Hinch's Justice Party Wants Open Justice Advocate

EMBARGOED UNTIL 12AM 4TH AUGUST 2021

State leader of Derryn Hinch's Justice Party, Stuart Grimley MP has asked the State Government to commit to and implement the final recommendation of the 2017 Open Courts Act Review (commonly referred to as the "Vincent Review"), undertaken by Victorian Court of Appeal Judge Frank Vincent.

The new roles within the "Public Interest Monitor" – which Derryn Hinch's Justice Party is terming the "Open Justice Advocate" – would be able to oppose suppression order applications and variations where they may conflict with open justice principles and where it would be in the community's interest to do so. Instances where a victim's name is suppressed or where it could potentially prejudice a fair hearing/court outcome would not generally satisfy a public interest test.

They could ask a judge or magistrate to supply more information about an order rather than the judge simply justifying it through a mere reference to the section within the relevant Act; a process that is despised by news media. They may also ask for a justification for – and challenge – the length or breadth of an order (ie why there is a blanket ban on a case or why there is no expiry date of an order); two significant issues in Victoria.

Orders would also be able to be referred to the Advocate by interested parties for review. It would also report to the Attorney-General annually on how the Open Courts Act is operating.

Following the Vincent Review, the State Government supported 17 of its 18 recommendations in full or in principle, with the final recommendation – extending the powers of the PIM to properly act as an Open Justice Advocate – "under further consideration".

Mr Grimley says that creating the role of the Open Justice Advocate will only work effectively when coupled with other suggested reforms, such as requiring judges to give better reasons for making suppression orders and creating a proper notification system of applications and cease dates for suppression orders.

His call is timely, with the introduction today of the Government's next tranche of reforms in relation to suppressing information of court proceedings. New figures show that Victoria holds more than half of the country's suppression orders issued in 2020 (493 out of 903, via News Corp Australia).

Quotes Attributable to Stuart Grimley MP:

"Open Justice is a principle our Party has supported since its inception. In order for our community to respond to events and tragedies or make reforms to prevent them being repeated, we first need to know about them.

The Open Justice Advocate is an extension of the Public Interest Monitor that would act in the public's interest to question or oppose suppression orders in Victorian courts.

An Open Justice Advocate would only work properly when we have an open and transparent system of notification and when judges and magistrates give proper reasons for making suppression orders. For example, the Advocate would not be able to object to an order when the only reason given is a reference to a section within an Act without explaining how or why it applies. That is not a fair, just, or open process.

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