

Evidence Amendment Bill 2020: Section 194K 'Publication of certain identifying particulars prohibited'

Submission to the Tasmanian Department of Justice

7 February 2020

CONTENTS

Who we are	4
ALA submission	5

Who we are

The Australian Lawyers Alliance (ALA) is a national association of lawyers, academics and other professionals dedicated to protecting and promoting justice, freedom and the rights of the individual.

We estimate that our 1,500 members represent up to 200,000 people each year in Australia. We promote access to justice and equality before the law for all individuals regardless of their wealth, position, gender, age, race or religious belief.

The ALA is represented in every state and territory in Australia. More information about us is available on our website.¹

The ALA office is located on the land of the Gadigal of the Eora Nation.

¹ www.lawyersalliance.com.au.

ALA submission

1. The ALA is grateful for the opportunity to share its views of the Bill. The purpose of the Bill is a response to concern raised in Tasmania about the operation of the *Evidence Act 2001* s194K. The effect of a 194K is to prevent the identification of the victim of certain sexual offences, even when the victim consents to being identified.
2. The ALA is an organisation strongly supportive of the presumption of innocence, the requirement for guilt to be proven beyond reasonable doubt by the prosecution, and the right of defendants to a fair trial; and it is an opponent of legislative amendments that erode those protections. The ALA is also committed, however, to democratic protections such as the right to speak freely about matters of political and social importance, and is supportive of proper redress for victims for crime.
3. The ALA's view is that the Bill would appropriately amend s194K so as to allow victims of sexual crime to participate fully in public discussions about the impacts of sexual offending when they freely consent to do so. The ALA takes the view that to ensure that the amendment does not offend against fundamental protections for accused persons facing trial, the amendment should expressly provide that a person cannot be taken to consent until after the finalisation of the court proceedings including appeals.
4. The ALA also recommends that the amendment be reviewed after three years to monitor the effect of the amendment, if any, on the rehabilitation of persons sentenced for sexual offences.



Fabiano Cangelosi

Tasmanian President and State Director
Australian Lawyers Alliance