

# Victims of sexual crimes can now tell their story

## Fact sheet on changes to the Tasmanian Evidence Act 2001 – section 194K

Victims of sexual crimes now have the right to tell their story.

A person can publish their story or give permission to someone else to publish a story that identifies them as a victim of a sexual crime.

A person who is not the victim can ask a Court for permission to publish a story which identifies a victim of a sexual crime.

### **What does the change in law mean?**

Until recently the identity of victims of sexual crimes could not normally be made public. This included a ban on naming victims in newspaper reports, social media or any other public communication.

Now, the identity of a victim can be made public with the permission of the victim or with the permission of the Court.

The victim must be at least 18 years old at the time that they agree to the information being made public. The agreement must be in writing. The person must understand that they will be identified and freely agree to this happening.

The information cannot include the identity of any person, other than the victim and the offender, unless the other person has also agreed to be identified.

For example, if there are two victims the identity of the second victim can only be released if they also freely agree and that agreement is in writing, they are over 18 years old and understands that they will be identified.

Information identifying a victim of a sexual crime can only be released after the criminal court case has finished. An offender can appeal (ask another court to

reconsider) the decision that they were guilty of the offence or against the sentence. If there is an appeal the information can only be released after any appeal has been decided by the Court and the case has been finalised.

A victim can choose not to make their identity public.

## **What information is included in a victim's identity?**

The law protects a victim's identity by limiting the information about them that can be made public. Information that may identify a victim includes:

- their name and address
- their school or place of employment
- a picture or image of them
- any other detail that is likely to identify them.

A victim may give permission for all, or only some, of this information to be made known.

## **How will a Court decide if the identity of a victim of a sexual crime can be published?**

Protecting the rights of a victim is the main concern when deciding whether to allow publication of a victim's identity. Permission will only be given if the victim has been consulted, they understand that they may be identified, and it is in the public interest for the story to include their identity.

If the victim of a sexual crime has died, a Court will consult with the person's nearest relative or legal representative and will take into account wishes of the victim, if these are known, and if it is in the public interest for the story to include this person's identity.

## **What fees are associated with applying to a Court for permission to identify a victim?**

If a victim applies for a court order they do not have to pay the application filing fee.

An Application filing fee is only payable if another person or a media organisation applies on behalf of a victim.

## **What if a person discloses a victim's identity without their consent or without asking a Court?**

It is a serious offence to disclose the identity of a victim of a sexual crime without permission.

An organisation can be fined (up to a maximum of 400 penalty units) and an individual could be fined (up to a maximum of 60 penalty units), or be imprisoned for up to 12 months, or both.

Follow this link for the [annual penalty unit values](#).

### **When did the law change?**

The new law started on 6 April 2020.

### **More information**

[Evidence Act 2001](#)