

MEDIA RELEASE

NEWS FROM THE UNIVERSITY OF TASMANIA

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ATTENTION: Chiefs of Staff, News Directors



Latest TLRI issues paper

The Tasmania Law Reform Institute is seeking the views of the public on its latest Issues Paper, *Protecting the Anonymity of Victims of Sexual Crimes*.

The Paper examines the operation and scope of section 194K of the *Evidence Act 2001* (Tas), relating to the publication of material which identifies complainants in sexual assault cases.

The question of victim anonymity was flagged in the Institute's recent Issues Paper 17, *Sexual Offences against Young People*, as an issue requiring separate consideration.

Professor Kate Warner, Director of the Institute, said the Issues Paper gives detailed consideration to the background and policy behind the rule preventing publication of the identity of victims of sexual assault.

"It examines how it has been interpreted and applied in the past, and how it should be applied in the future.

"It also considers whether legislative reform is desirable to aid in its application, and if so, what kind of reform is appropriate," Prof Warner said.

"It concludes that the current formulation of s 194K lends itself to a number of interpretations. This level of uncertainty in the law is not desirable."

Specifically, the Paper argues that legislative reform is required to clarify:

(i) what information is prohibited by the section — whether information that is by itself likely to lead to identification or information that, combined with other readily available information, is likely to identify the complainant; and

(ii) who should be prevented from identifying the complainant — whether people with prior knowledge of the defendant or victim should be included?

The Paper also invites comment on whether there is a need for additional changes to the terminology of s 194K and procedural aspects of the rule, what sanctions are appropriate for a breach of the prohibition and whether publication should be permissible where the complainant consents.

“While a consent exception (the victim consenting to be identified) may be justified in the interests of open justice, complainant autonomy or as a means to resist the stigma attached to sexual assault complainants, it is also the case that complainants may be pressured or coerced into granting their consent,” Prof Warner said.

The paper is available on the Institute’s webpage:
www.law.utas.edu.au/reform

The TLRI asks for responses in writing by 28 September 2012.

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