# The Judicial Proceedings Reports Act

## Making it easier for victim-survivors of sexual offences to tell their stories

### Easy Read guide

## How to use this guide

The Department of Justice and Community Safety (DJCS) wrote this guide. When you see the word ‘we’, it means DJCS.

We wrote this guide in an easy to read way.

We have written some words in bold.

This means the letters are thicker and darker.

We explain what bold words mean.

There is a list of these words on page 13.

This Easy Read guide is about changes to the Judicial Proceedings Reports Act.

We explain what this is on the following pages.

You can find more information on the DJCS website

[www.justice.vic.gov.au/victim-survivor-stories](http://www.justice.vic.gov.au/victim-survivor-stories)

You can ask for help to read this guide.

A friend, family member or support person may be able to help you.

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## What is the Judicial Proceedings Reports Act?

The Judicial Proceedings Reports Act (the Act) is a law in Victoria.

The Act says it’s a crime to share information that can **identify** a **victim-survivor** of a **sexual offence**.

When you identify someone, you tell people who they are.

A victim is someone who has experienced a sexual offence.

A survivor is someone who lives through a hard time in their life.

A sexual offence is when someone forces you to do something sexual without your **consent**.

When you give your consent, you say it is ok for someone to do something.

The Act aims to:

* protect the **privacy** of victim-survivors
* help more people feel safe enough to report sexual offences.

Privacy means we must keep your information:

* private
* safe.

On 18 November 2020, the Act changed.

It will now be easier for victim-survivors to speak out about what happened to them if they want to.

The Act will still protect the privacy of victim-survivors.

## What’s changed for adult victim-survivors?

The Act will let adult victim-survivors share their stories themselves if they want to.

Adult victim-survivors include people who are over 18 years old.

They won’t have to ask the **court** if this is ok anymore.

The court is a place where a judge and/or a jury help fix legal problems.

Adult victim-survivors still need to make sure the information they share doesn’t identify another victim-survivor unless that other person has given their **permission**.

When you give your permission, you say it is ok for someone to do something.

The Act will also let other people share information about an adult victim-survivor if the victim-survivor:

* has given their permission
* is an adult who can make their own decisions.

There must be **proof** that the adult victim-survivor gave their permission to share the information.

Proof is what shows that something is true.

The adult victim-survivor’s proof can be:

* written

or

* recorded in another way if the person can’t write.

The adult victim-survivors can tell people how they want the information shared.

For example, they might have rules about:

* what information is shared, like their name or photo
* who can share the information
* when the information can be shared.

This means adult victim-survivors have more control over how their story is told.

## What’s changed for child victim-survivors?

The Act will let child victim-survivors share their stories themselves if they want to.

Child victim-survivors are under 18 years old.

They won’t have to ask the court if this is ok anymore.

Child victim-survivors still need to make sure the information they share doesn’t identify another victim-survivor unless that other person has given their permission.

The Act will also let other people share information about a child victim-survivor if:

* the child gives their permission
* an **authorised person** gives a **supporting statement**.

An authorised person is someone who has the power to do something.

For example, a doctor who takes care of your health is an authorised person.

The supporting statement needs to say that the child victim-survivor understands:

* what it means to identify themselves as a child victim-survivor
* what can happen when people find out who they are.

An authorised person will help make sure the child makes their own decision.

There must be proof that the child victim-survivor gave their permission to share the information.

This can be:

* written

or

* recorded in another way if the child can’t write.

The child victim-survivors can tell people how they want their information shared.

For example, they might have rules about:

* what information is shared, like their name or photo
* who can share the information
* when the information can be shared.

This gives child victim-survivors more control over how their story is told.

## Who can’t give permission to share their story?

There are some people who can’t give permission to share their story.

### Adults who can’t make their own decisions

Adults who can’t make their own decisions can’t give permission to another person to share information about the sexual offence.

For example, an adult might have a **cognitive disability**.

A cognitive disability is when a person's brain might not work very well.

They might not be able to make their own decisions on legal issues like this one.

This means they can’t give permission to share information about them.

The court will need to make a decision for the person.

The court will think about:

* what the adult victim-survivor wants
* if it would be good for the community to hear the person’s story.

The court won’t think about what the person who did the sexual offence wants.

### Children who don’t have supporting statements

Before a child victim-survivor can share their story, they need a supporting statement from an authorised person.

If they can’t get a supporting statement, they will need to ask the court.

The court will think about:

* what the child victim-survivor wants
* if it would be good for the community to hear about the child’s story.

The court won’t think about what the person who did the sexual offence wants.

### **Victims who have died**

If a victim dies, the law says their details can be shared.

But the law also says they can’t be identified as a victim of a sexual offence.

They can only be identified as a victim of a sexual offence if they gave their permission in writing when they were still alive and they were:

* an adult who could make their own decisions

or

* a child with a supporting statement.

Without the victim’s permission, a court will decide if they can be identified as a victim of a sexual offence after they die.

The court will think about:

* what the victim wanted when they were alive
* what the victim’s family wants
* if it would be good for the community to hear the victim’s story.

The court won’t think about what the person who did the sexual offence wants.

The Victorian Government wants to know what people think about identifying victims who have died.

You can find out how to have your say on the DJCS website

[www.justice.vic.gov.au/victim-survivor-stories](http://www.justice.vic.gov.au/victim-survivor-stories)

## Can we protect people who shared information in the past?

The Act says it’s a crime to share information that can identify a victim-survivor of a sexual offence.

Changes to the Act made on 18 November 2020 will help protect:

* victim-survivors who shared their information between 1991 and 18 November 2020
* people who had permission to share information about an adult victim-survivor between 1991 and 18 November 2020.

But they will only be protected if the information didn’t identify any other victim-survivors who didn’t give their permission.

## Other laws

There are other laws that might stop victim-survivors from being identified.

Even if it’s ok to do that under the Act.

For example, a court might stop some information being shared during a **trial**.

A trial is a legal process that helps work out if someone:

* took part in a crime
* did not take part in a crime.

The court does this to make sure the trial is fair.

## Word list

This list explains what the **bold** words in this guide mean.

**Authorised person**

An authorised person is someone who has the power to do something.

**Cognitive disability**

A cognitive disability is when a person's brain might not work very well.

**Consent**

When you give your consent, you say it is ok for someone to do something.

**Court**

The court is a place where a judge and/or a jury help fix legal problems.

**Identify**

When you identify someone, you tell people who they are.

**Permission**

When you give your permission, you say it is ok for someone to do something.

**Privacy**

Privacy means we must keep your information:

* private
* safe.

**Proof**

Proof is what shows that something is true.

**Sexual offence**

A sexual offence is when someone forces you

to do something sexual without your consent.

**Supporting statement**

A supporting statement is from an authorised person. It says that a child victim-survivor understands:

* what it means to identify themselves as a child victim-survivor
* what can happen when people find out who they are.

**Survivor**

A survivor is someone who lives through a hard time in their life.

**Trial**

A trial is a legal process that helps work out if someone:

* took part in a crime
* did not take part in a crime.

**Victim**

A victim is someone who has experienced a sexual offence.

## More support

Victims of Crime

1800 819 817

[www.victimsofcrime.vic.gov.au/contact-us](http://www.victimsofcrime.vic.gov.au/contact-us)

Women's Legal Service Victoria

(03) 8622 0600

[www.womenslegal.org.au/](http://www.womenslegal.org.au/)

Victoria Legal Aid

1300 792 387

[www.legalaid.vic.gov.au/contact-us](http://www.legalaid.vic.gov.au/contact-us)

This law we talk about in this guide may change in the future. You can find the latest version at [www.justice.vic.gov.au/victim-survivor-stories](http://www.justice.vic.gov.au/victim-survivor-stories)

The Information Access Group created this Easy Read guide. For any enquiries about the images, please visit [www.informationaccessgroup.com](http://www.informationaccessgroup.com). Quote job number 3828.

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