

Dear Attorney General,

I am writing on behalf of my colleague Olivia Pirie-Griffiths, and the Alliance for Journalists Freedom, in response to your invitation for feedback on a consultation draft of proposed amendments to the Criminal Law (Sexual Offences) Act 1978 (CLSO Act) (draft amendments).

First, I would like to thank you for inviting to contribute to the discussion about this matter. In these kinds of situations, we start by assuming that on balance, transparency and open justice are always better than their opposites, and that independent reporting of court cases is the best way to achieve this. On that basis, we would like to make the following points.

1. The AJF supports the proposed amendments to the *Criminal Law (Sexual Offences) Act* in line with Recommendation 81 of the Recommendations of *Hear Her Voice – Report Two – Women and girls’ experiences across the criminal justice system*.
2. The proposed amendments are consistent with the principle of open justice where, subject to exceptional cases, court proceedings must be held in public. This protects the rule of law and inspires public confidence in the administration of justice.
3. The media plays a crucial role in reporting on court proceedings to the public. This is a practical implementation of the Principle of Open Justice. The proposed Amendments enable the media to better fulfill this function.
4. The proposed amendments bring Queensland into line with most other Australian jurisdictions. Consistency in the coverage of court proceedings is important across state lines, particularly when online publication renders borders relatively meaningless. The AJF agrees that, as in most other Australian States and Territories, sexual offences should be treated the same way as other offences in that the accused person may be identified.
5. Prosecution guidelines set rigorous tests which a prosecutor must meet before commencing a prosecution. These threshold tests include determining that there are reasonable prospects of conviction on the available evidence, and that the prosecution is in the public interest. These tests protect accused people against unwarranted besmirchment of their reputations. Open reporting of the proceedings as they unfold means that the reputation of the accused is determined by the admitted evidence and outcome of the trial.
6. Further, the courts have the power to issue non-publication orders when required by the proper administration of justice. The AJF recognises that there may be exceptional circumstances in which it is preferable to suppress the identity of an accused, particularly when it may expose the complainant. The AJF supports the amendments which require a court to take the views of the complainant into consideration in deciding whether to make a non-publication order.

Once again, thank you for the opportunity to provide feedback on these important amendments.

Kind regards



Prof Peter Greste
Chair
Alliance For Journalists Freedom

