

The *Open Courts and Other Acts Amendment Act 2019* (the Amending Act) will make six key changes to the *Open Courts Act 2013* (the Act):

- The Act's purposes provision now emphasises the fundamental importance of open justice.<sup>1</sup>
- The 'presumption' in favour of disclosure and open courts is replaced with an obligation to consider the primacy of the open justice principle and to not make a suppression order or closed court order unless necessary to override that principle.<sup>2</sup>
- A court must not make a suppression order if the information is already suppressed by one of the other pieces of legislation listed in the Act.<sup>3</sup>
- The Amending Act introduces a default duration. If no duration is specified, an order lasts until the relevant appeal period expires or any appeal is finalised.<sup>4</sup>
- A court must provide a statement of reasons for making a suppression order, including reasons for the terms of the order, and its duration, grounds and scope.<sup>5</sup>
  - Reasons are not required for an interim order, when varying an order (if the purpose of the variation is specified), when revoking an order, or if giving reasons would make the suppression order ineffective.<sup>6</sup>
  - Failing to give reasons does not affect the validity of a suppression order.<sup>7</sup>
- The victim or alleged victim of a family violence or sex offence may apply to review an order.<sup>8</sup> The court must then revoke the order if satisfied that it is otherwise appropriate to do so,<sup>9</sup> unless that would identify another victim or alleged victim in the proceeding who has not given permission to the disclosure or is under 18 years of age.<sup>10</sup>

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<sup>1</sup> *Open Courts Act 2013* (Vic) s 1(aa).

<sup>2</sup> *Ibid* ss 4, 28.

<sup>3</sup> *Ibid* s 8(1A). See also the JCV's compilation (see attached).

<sup>4</sup> *Ibid* s 12(3A).

<sup>5</sup> *Ibid* s 14A(1).

<sup>6</sup> *Ibid* s 14A(2).

<sup>7</sup> *Ibid* s 14A(3).

<sup>8</sup> *Ibid* ss 15(1)(b)(ii), 15(1A)(b)(iii).

<sup>9</sup> *Ibid* s 15(1B).

<sup>10</sup> *Ibid* s 15(1C).