

From: [REDACTED]
To: [Legal Affairs and Community Safety Committee](#)
Subject: submission- Criminal Code (Consent and Mistake of Fact) and Other Legislation Amendment Bill 2020
Date: Wednesday, 19 August 2020 2:11:36 AM

To the Legal Affairs and Community Safety Committee regarding the Criminal Code (Consent and Mistake of Fact) and Other Legislation Amendment Bill 2020,

In the explanatory memorandum it was mentioned that the QLRC noted at paragraph 5.144 of the QLRC Report:

'As a matter of fairness, it is necessary that the other person is made aware that consent is withdrawn and given the opportunity to respond to that withdrawal by ceasing to engage in the relevant act'.

I suggest this be integrated into the bill as such,
omit-

(4) If an act is done or continues after consent to the act is withdrawn by words or conduct, then the act is done or continues without consent.

insert-

(4) If an act is done or continues after a person is made aware that consent is withdrawn by words or conduct and given the opportunity to respond to that withdrawal by ceasing to engage in the relevant act, then the act is done or continues without consent.

Obversely, an essential element of consent is the ability to withdraw that consent. I'm sure there will be creative rapists out there who will find a way to skirt the laws so I propose a further clause.

insert-

(4a) a person is not to be taken to continue to consent where it would be unreasonable to assume a person possessed the ability to make a person aware of a withdrawal of consent by words or conduct.

Robert Heron

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