



Corinne Loane  
Believe Queensland Women



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Legal Affairs and Community Safety (LACS) Committee  
Parliament House  
George Street  
Brisbane QLD 4001



Dear LACS Committee members,

**Criminal Code (Consent and Mistake of Fact) & Other Legislation Amendment Bill 2020**

Thank you for the opportunity to make a submission in relation to the Criminal Code (Consent and Mistake of Fact) & Other Legislation Amendment Bill 2020 ('the Bill'). This submission responds to the proposed amendments to the laws of consent and the excuse of mistake of fact.

**About Believe Queensland Women**

Believe Queensland Women exists to make the lives of sexual violence survivors better by advocating for compassionate, trauma-informed policing and stronger consent laws.

We believe in the resilience, humour and grit of Queensland women.

We acknowledge that although women are the group most impacted by sexual violence, First Nation peoples, people with disabilities and LGBTIQ+ community members are deeply impacted by layers of disadvantage and vulnerability when interacting with police, the justice system and other services.

We are determined to maintain attention and effort on gender based sexual violence.

We know that this is a complex issue which will take long, term, sustained effort to bring about cultural change.



## Response

The current Bill before the LACS committee provides you, as committee members, with an opportunity to demonstrate the importance of Queensland women, families, and communities.

You have an opportunity to substantially strengthening Queensland consent law by:

- adopting an affirmative definition of consent,
- repealing the 'mistake of fact' excuse which perpetuates harmful rape myths, and
- acknowledging that freezing is a normal human response to threat.

An affirmative model of consent will bring Queensland into line with international best practice and reforms in other states and territories across Australia. The United Nations Handbook for Legislation on Violence Against Women (2010) states that consent requires, 'the existence of 'unequivocal and voluntary agreement' and requires proof by the accused of steps taken to ascertain whether the complainant/survivor was consenting'. Within Australia, other states and territories have adopted affirmative consent definitions, including Tasmania which adopted an affirmative consent model 16 years ago. Queensland laws should more closely reflect the accountability that other State's laws expect from sexual assault.

Importantly, an unambiguous definition of consent enshrined in Queensland law would empower public awareness campaigns and educative programs that will prevent sexual violence, especially for young people. All Queenslanders need to understand that consent must be clear, informed, unequivocal, enthusiastic, sober and ongoing. Adopting an affirmative definition of consent will help us all work together to create a cultural of respect and safety for all Queenslanders.

We humbly ask that the LACS Committee members listen to expert submissions from the Queensland Council of Social Services, Queensland Sexual Assault Network, the Women's Legal Service Queensland and the Brisbane Rape and Incest Survivors Support Centre which do not support the passage of the Bill as currently drafted. We call on you to show leadership as this Bill is considered.

Thank you again for the call for submissions.

Yours faithfully,

Corinne Loane  
Director, Believe Queensland Women