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29 September 2020

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

By email: lacsc@parliament.qld.gov.au

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').

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.

My safety as an Australian woman should not be compromised because I live in Queensland. An affirmative model of consent will bring our state 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'. Tasmania adopted an affirmative consent model 16 years ago. Queensland laws should be modernised and more closely reflect the accountability that other State's laws expect from sexual assault.

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.

Please 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. These organisations do not support the passage of the Bill as currently drafted.

I call on the committee members to stand up for the safety of Queensland women and strengthen Queensland consent law.

Yours sincerely,

Leah Pabst