

a global voice  
for women

Soroptimist International



Federation of the South West Pacific

Brisbane Inc

ABN: 80 232 074 742

28 September 2020

**PRESIDENT**

Leigh Ellwood-Brown  
C/- 2012/12 Edward St  
Brisbane  
Queensland  
Australia 4000  
[REDACTED]

Committee Secretary  
Legal Affairs and Community Safety Committee  
Parliament House  
George Street  
Brisbane Qld 4000  
[REDACTED]

**SECRETARY**

May Lamont  
C/- 2012/12 Edward St  
Brisbane  
Queensland  
Australia 4000  
[REDACTED]

Re: Submission on Mistake of Fact - Criminal Code (Consent and Mistake of Fact)  
and Other Legislation Amendment Bill 2020 ("the Bill")

This submission is provided on behalf of the members of Soroptimist International Brisbane Ltd. (SI Brisbane) as it relates to mistake of fact in the Bill.

**TREASURER**

Jo Ashford  
C/- 2012/12 Edward St  
Brisbane  
Queensland  
Australia 4000  
[REDACTED]

**Recommendation**

SI Brisbane calls on government to:

- consider public education programs and additional school programs for young people around the issue of consent to sexual matters
- address the stigma that can attach to victims of sexual assault.

**IMMEDIATE PAST  
PRESIDENT**

Helen Atkinson  
C/- 2012/12 Edward St  
Brisbane  
Queensland  
Australia 4000

**Background**

Any victim of a sexual assault, whether male, female or non-binary, will carry that assault with them for the rest of their life, whether they make a complaint to police or go to court to give evidence about the matter or not.

The protection from violation of a person's bodily integrity and the protection of women and girls from harm is a matter of particular interest to SI Brisbane.

**PROGRAMME  
CONVENOR**

Sarah Stamp  
C/- 2012/12 Edward St  
Brisbane  
Queensland  
Australia 4000

SI Brisbane represents Soroptimist International, SI, a not-for-profit organisation whose members are professional women from diverse backgrounds. SI Brisbane is one of eight SI clubs in the South Queensland region, consisting of 30 of the region's (approximately) 150 members. We share a commitment to Human Rights for all, equality, and advocate for women and girls to ensure their voices are included in decision making—particularly when these decisions affect their safety and wellbeing.

Email:

[sibrisbane@siswp.org](mailto:sibrisbane@siswp.org)

Web: [www.siswp.org](http://www.siswp.org)

As a club we strive for fair treatment and equality for marginalised women and members of the community, and protection of the innocent. Fair treatment and equality does not always involve legislative amendments, and if made, need to be evidence based.

Here, the Queensland Law Reform Commission undertook a comprehensive review of the law around mistake of fact, and the current Bill:

- preserves the utilisation of mistake of fact for all victims
- clarifies the law that intoxication is not relevant to objective views
- sets out consent in a manner that draws to juries' attention non-action alone by a victim may not give rise to mistake of fact in all cases.

The Bill is a measured and appropriate response, and we support the amendments set out in the Bill to clarify the law around mistake of fact.

However, as identified in the call for submissions when the Queensland Law Reform Commission sought community responses, it set out a body of evidence around pre-conceptions concerning sexual assault and community attitudes towards victims of sexual assault (male or female) [chapter 5 Discussion Paper]. As identified by the Commission in its Report, those studies did not support changes to the law, or changes to the objects of the *Code* to address [74-75 and 79-80 of the Report]. Education, as rightly set out in the Report, is a matter for government, [81] Report.

It seems quite clear that these matters are community issues, not legislative ones.

Internationally, and at the local SI Brisbane level, our organisation has a strong focus on education as we recognise the need to educate to empower, but also to protect.

It is important that all people understand their rights, responsibilities and protections under the law. While our role typically involves advocating for women and girls, we are concerned about the adverse impacts a lack of knowledge or misunderstanding of this law might have for *any* person.

We call on government to consider public education programs and additional school programs for young people around the issue of consent to sexual matters. These should be done using accessible, plain language to increase the likelihood of comprehension. We also urge government to address the stigma that can attach to victims of such assaults accordingly, as this can deter people from coming forward following an experience of sexual assault or rape.

We would be happy to work with government further to facilitate this. Please direct any queries to our President, Leigh Elwood Brown on 0407 969 484 or Sarah Stamp on 0447 799 576.



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Leigh Ellwood-Brown  
President SI Brisbane Inc.