




Speech By
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**CRIMINAL CODE (CONSENT AND MISTAKE OF FACT) AND OTHER
LEGISLATION AMENDMENT BILL**

 **Ms HOWARD** (Ipswich—ALP) (12.19 pm): I rise in support of the Criminal Code (Consent and Mistake of Fact) and Other Legislation Amendment Bill 2020. The Palaszczuk government is committed to improving women's safety and experiences in the criminal justice system. We promised Queenslanders at the state election that we would introduce new consent laws and we have delivered. It is part of our continuing suite of reforms that helps build support for victims of sexual violence and ensures that perpetrators are held to account.

As we have all seen around the country these past few months, women will no longer stay silent. Sexual violence leaves a terrible and long-lasting toll on the victims, but the real tragedy is that it is all too common. Some of my colleagues and many other women and girls around the country have spoken up recently about their experiences. They have also spoken about being in situations where they have been in grave fear of being sexually assaulted. The fact that many women have stayed silent about this for so long highlights the fact that many women feel as though the legal system is not equipped to help them get justice for the crimes committed against them. Although we already have laws around consent, we saw a need to strengthen those laws further to make them clear and unambiguous. This will go some way towards helping remove one of the many barriers that women face in the legal system when they report sexual assault or rape.

The amendments in this bill codify the existing case law and recommendations made by the Queensland Law Reform Commission. They establish that: silence alone does not amount to consent; consent initially given can be withdrawn; regard may be had to anything the defendant said or did or did not say or did not do to ascertain consent when considering whether the defendant was mistaken about whether the other person gave consent; and that a defendant's voluntary intoxication is not relevant to the reasonableness aspect of the excuse of mistake of fact.

These new amendments to the Criminal Code are necessary to protect the safety of women, help victims of sexual assault seek justice and hold perpetrators to account. They are just one step in the journey towards eradicating sexual violence against women. This will be a long and painful journey and we acknowledge that survivors are disappointed with the recommendations made by the Queensland Law Reform Commission. They believe these reforms do not go far enough.

In response, the Premier and the Attorney-General announced earlier this month the Women's Safety and Justice Taskforce, which will thoroughly examine women's experiences in the criminal justice system and make recommendations to the government. It is important that we let the task force carry out its work thoroughly and not rush amendments for our code that could have detrimental and unintended consequences. Getting these amendments right is so important for the victims of rape and sexual assault who are seeking justice.

Reforming our consent laws so that our criminal justice system works better for victims is an ongoing process, but it is a step in the right direction towards eliminating sexual violence in our society. That said, there is a broader issue with consent in our society that goes beyond legal reform and

requires cultural change. One of the issues lies in the fact that many people, both men and women, young and old, have never been taught about consent or what consent means or even that there is a thing called consent. Many people have never been told that consent is an ongoing negotiation or that it is mutual, reversible, freely given, clearly communicated, informed and enthusiastic. Women such as Brittany Higgins, Grace Tame and Chanel Contos have courageously spoken out on sexual violence against young women and have laid bare the shocking culture of sexual abuse and male entitlement that has been found across all areas of our society and also in our halls of power such as parliament and elite private schools.

For decades, female activists have spoken out against sexual violence in the media, at rallies and in parliament and have pushed through important legislative reforms. Having read the recent accounts of young women and girls who have experienced sexual violence at the hands of their male peers at high schools and in workplaces, it does make me wonder why this is still happening. It is obvious that we still have a huge job to do in educating our young people to stand up to misogyny and sexual abuse.

There are still too many young boys growing up in a culture where misogyny is accepted. Whether or not they are learning it in the home, at school, on the sports field or in the workplace, this culture of male entitlement and toxic masculinity where women are disrespected, belittled, humiliated and abused simply has to stop. It is incredulous that for all of the good work we have done in trying to stamp out sexual violence in society we still have young men who disregard the whole idea of consent, treat women like sex objects and pressure women and girls into demeaning, non-consensual sex acts instead of treating women like the sexually autonomous and mutually consenting adults that they are.

Sadly, we still live in a culture where women are held responsible for being raped while very few perpetrators are ever held accountable. In fact, some of these male perpetrators expect that they will get away with their abuse given their wealth and power. While they go on to live their lives and build careers and families, their female victims' lives are ruined.

However, I still hold out hope that change is happening, which is why I was pleased to hear Mason Black, the school captain at Brisbane Boys' College, speak out last week, and many in this House have spoken about Mason. Mason called on his peers to stop the sexual abuse and harassment of women. He did so because he felt deep shame upon hearing that Brisbane Boys' College was one of the schools named in testimonies given by students who anonymously shared their experiences of rape and assault at Australian high schools. Young men like Mason give me hope that there is a cultural shift happening. I meet many young men in the high schools in my own electorate who also share that high standard that Mason has.

While it is inspiring to see so many women speaking out about sexual abuse and finally having their experiences heard and acknowledged, we know it is not enough. We need many more men and boys like Mason to speak up and call out sexual violence and abuse against women, especially when they see mates doing it. Much more can be done to educate our young people about sexual violence, consent and healthy relationships so that the cycle of abuse stops. The Palaszczuk government is doing great work in this area such as the Respectful Relationships education program in our schools, and we have recently announced a review into whether existing education adequately addresses sexual consent and reporting in Queensland schools.

In Ipswich the Domestic Violence Action Centre is doing a fantastic job working with school students through their acclaimed Being Heard program. Being Heard is a semester-long domestic and sexual violence program that educates over 2,000 students in years 10, 11 and 12 in Ipswich high schools and surrounding areas. When these students start the Being Heard program, the majority of them report having very little or only some knowledge of domestic and sexual violence. Upon leaving the program, the majority of students report feeling a lot more knowledgeable and informed about the issue. Being Heard is a life-changing program for young people, helping to reshape attitudes and behaviours. This is what makes it such an incredible force of helping to stop the cycle of violence against women.

The Palaszczuk government is committed to supporting the elimination of sexual violence in Queensland. Our Sexual Violence Protection Framework aims to protect women, prevent violence against women, support women seeking justice and, most importantly, believes women.

Since 2015 we have increased investment in specialist sexual assault services in Queensland by over 80 per cent. We have delivered on the recommendations of the *Not now, not ever* report and have established a task force to examine coercive control and look at women's experiences in the criminal justice system. In 2019 we passed laws criminalising the non-consensual sharing of intimate images and we are introducing these new consent laws today. I do want to acknowledge our current Attorney-General and Minister for Women and the former attorney-general and all the work that has been done in this House in that space. No woman should ever have to live in fear of rape or sexual

assault. No woman should feel blamed, discredited or doubted when they speak up about their experiences of rape or sexual assault. No woman should have to battle negative attitudes of police, judges or juries when they go to court.

These negative attitudes are one of the reasons why 87 per cent of women do not report sexual assault to the police. Other reasons include having to relive the trauma of their sexual assault repeatedly in the courts, the knowledge that only a tiny number of perpetrators are ever held to account and having to deal with court processes that are onerous and traumatic.

Breaking down those legal barriers by strengthening our consent laws is vital in supporting victims of sexual violence and helping them to achieve justice. The other way is through cultural changes, as I have mentioned. When statistics show us that one in three Australians believe rape is a result of men not being able to control their need for sex and that two in five Australians believe that women make up false reports of sexual assault to punish men, we have a big problem that is in desperate need of cultural change.

While organisations like the Domestic Violence Action Centre in Ipswich are doing important work helping to shift young people's behaviours and attitudes, I believe families and schools also have a role to play in supporting this cultural change by teaching their kids about healthy relationships, consent and sexual violence starting from a young age. The damage caused by sexual violence has far-reaching effects for individuals and society. It is a human rights violation, it undermines gender equity and it deprives the victim of liberty. It is something we need to eliminate from our schools, workplaces and homes. That is why I give my full support to this bill.