




Speech By  
**Jessica Pugh**

**MEMBER FOR MOUNT OMMANEY**

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

 **Ms PUGH** (Mount Ommaney—ALP) (4.40 pm): When this legislation was introduced we had no idea that the voices of women experiencing sexual assault and violence would become a roar, a roar that is long and loud and cannot be ignored. Our community is experiencing a watershed moment where our understanding of what it is to walk through the world as a woman is undergoing a paradigm shift. This legislation is a critical first step in taking concrete action to address sexual violence in Queensland. Let us make no mistake: we cannot address this problem through legislation alone.

I thank the amazing advocacy of Grace Tame, Brittany Higgins, Saxon Mullins, Chanel Contos and, more locally, Bri Lee, a Brisbane woman who wrote the book *Eggshell Skull*. This book was based on her own experiences of sexual assault. She lobbied hard for the review by the Queensland Law Reform Commission which has created the legislation we are speaking on today. I spoke to Bri at the start of my last term and she did not have to work hard to convince me of the importance of commissioning this review.

When Bri told her story, being a sexual assault survivor was a rare thing to disclose. She was beyond brave and she did it anyway. She is amazing and she has done so much to move the conversation around consent forward. I know that Bri and many other stakeholders shared their experience with our Attorney-General, and I thank her for her dedication to move this issue forward. It is because of these trailblazers that we have subsequently seen many MPs right across the divide share their stories of sexual harassment and assault.

I know from my conversations with the men in our communities that, for many of them, it is very clear they had absolutely no idea of the magnitude of the issue, and how could they? It is often something that victims have held close to their chest, cloaked in shame. This has kept the power in the hands of the perpetrators of sexual violence, their victims silenced by feeling that they were somehow at fault. Time and time again we have seen shocking crimes against victims of sexual violence swept under the carpet, dismissed as a women's issue and stonewalled until the issue goes away, which it inevitably did. No more!

After weeks and weeks of survivors refusing to be silenced or letting the issue die down and go away, after weeks of crying out to be heard and to be seen by our government representatives, the Palaszczuk government is saying, 'We see you, we hear you and we stand with you because we are you.' That is why the Minister for Education has met with Chanel Contos, a consent advocate, about how we stop this problem at the start and educate our young people about consent.

Sometimes we hear people, mainly men—but not always—complaining about how hard it is to work out if a partner, usually a woman, is consenting. 'It is really tricky,' they say. 'How are we supposed to know if she is consenting or not? Women are so fickle; they're so coy. They lead us on with their mixed messages.' These are the messages that women internalise from a young age: if anything happens, we brought it on ourselves, so do not complain. This is in large part due to accepted societal attitudes in some quarters of society that sex is something to be taken from a woman whether by

coercing, cajoling or forcing. Having a partner who nagged their female partner into intimate relations was an all too common experience for many women of my generation. There seemed to be a widely held view that women are the gatekeepers and they need to be persuaded by fair means or foul. This view is offensive and outdated. No-one is entitled to anything from someone else—not their time, their attention or any amount of physical contact. Consent needs, both ethically and legally, to be freely given.

If your strategy is to feed a potential partner drinks or coerce them until they give in, trust me, they are not that into you. If you cannot tell if someone likes you, please feel free to assume that, in fact, they do not. If you like them, why not tell them and then leave it up to them?

What is consent? For the benefit of anyone still confused, I will put it in simple terms so it is easy to understand. This legislation makes explicit four legal principles, and they are: silence does not mean consent; consent is not permanent as it can be retracted depending on the circumstances; just because a perpetrator is drunk does not make them less culpable; and a court can consider anything a perpetrator did or did not do to confirm consent.

So what is consent? I will tell you what it is not. It is not walking into a party and then having somebody walk up to you and grab you on the vagina instead of saying hello. He was drunk; I was sober—I was the designated driver in fact. I was there with my boyfriend, who was so shocked he could not bring himself to mention the incident for years. I, on the other hand, got stark raving mad and left my assailant in no doubt as to my feelings about it. I was absolutely furious and no-one could doubt it.

This incident happened in front of other people. While I do not recall their reactions—I was too focused on mine—I do not remember anyone telling him that what he did was wrong. To this day I cannot imagine what would possess someone to walk up to another person like that with the intention of degrading them in such a way.

Consent is not waking up in your bed in the middle of the night at your friend's house with someone on top of you pushing your clothes out of the way while you tell them to stop. He did not stop. Despite me clearly telling him to stop, to get off, to leave me alone, he did not listen. It took me many years to understand that what had occurred was rape because it was digital. It took me many years to process what had happened and to reach the understanding of the event that I have today. I did not report it because I thought that they were my friends. I thought that they saw me as their peer, their equal, and I now know they did not even see me as human.

These incidents occurred when the perpetrators and I were barely out of high school, which speaks to the critical importance of educating our young people in the school setting, the home and the community on what real consent looks like and how truly wrong it is to accept anything less than full consent freely given.

I have just laid out in grave detail the very serious consequences of failing to educate our young people properly when we consider that shortly after leaving school I was a victim of assaults and they were the perpetrators, but I am not the only one. When this legislation was introduced we could not have known the earthquake that Brittany Higgins would create when she shared her story. She is a hero.

We debate this legislation today, but we know we have so much still to do in this space. Our laws are a reflection of community attitudes and we know that those attitudes are currently undergoing a massive reset. The appetite is there for further reform not just in the legislative space but on school education, early intervention, service responses and community attitudes. It should not have come to this.

I have an 11-week-old daughter and an 11-year-old daughter—two beautiful girls. I have thought deeply about how I can protect them from an experience similar to mine and I have come to the crushing conclusion that right now I cannot. I cannot protect them from the disrespect and the lack of humanity still harboured by some quarters of society. I cannot fix it with legislation. It requires the hard work of education and cultural change in our society, and that is not work that happens overnight. It is going to involve some incredibly tough conversations with many people who may now be reckoning with their past behaviours.

We need to teach our young men that respect is essential and so is consent. I tell my story today, as many others across the House have done, not because I want sympathy but because I am demanding respect. I do not need pity. We do not need pity. We need action and we need to fix the way we see women in our society.

This legislation would not be before the House if the Palaszczuk government did not have gender parity. We need women in parliament pushing for reform, but we need the good men fighting right alongside us. I commend the bill to the House.