

Dr Marisa Paterson MLA

MEMBER FOR MURRUMBIDGEE

MEDIA RELEASE

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SEXUAL CONSENT LAW REFORM IN THE ACT

A new model of consent for sexual activity - based on free and voluntary agreement – is being considered for enactment into ACT law.

Dr Marisa Paterson MLA is proposing amendments to the ACT's *Crimes Act 1900* to shift the current legislation from the point of sexual assault being a violent act, to a much more nuanced and defined set of parameters around what consent is and is not, in line with contemporary community expectations.

A draft Exposure Bill is available for public comment until COB Friday 16 July.

In 2018, similar amendments were considered by the ACT Government, with an Inquiry held by the Standing Committee on Justice and Community Safety. Dr Paterson has undertaken a detailed review of each of the submissions made by a wide range of stakeholders in 2018, and the ACT Government's response to the Inquiry. Further to this, the NSW Law Reform Commission's Report 'Consent in relation to sexual offences' has informed these legislative amendments.

Dr Paterson said: "I'm proposing to introduce a communicative model of consent whereby the principle, meaning and definition of consent has shifted – from something that is presumed and can be negated, to consent being something that must be given".

Dr Paterson's proposed changes provide a clear definition where consent is free and voluntary and where a person has to say or do something to communicate consent (verbally or non-verbally). Further to this, a person can withdraw consent at any stage of the sexual act.

The proposed changes also introduce a new test for the prosecution of an accused person, whereby their belief that consent was given must be deemed to be reasonable in the circumstances.

"This work will have input from, and be overseen by, the ACT Government's Sexual Assault Prevention and Response Program, particularly the Law Reform Working Group, to ensure coordination in the broader context of cultural and educative change across all groups within our community" Dr Paterson said. The program has been established by Ms Yvette Berry MLA, Minister for Women.

Dr Paterson believes the proposed legislative changes, which will bring the ACT in line with other Australian jurisdictions including Tasmania and Victoria, will provide greater protection for the community and justice for victims/survivors of sexual assault. Dr Paterson said: "This is a significant step forward for our community and I hope it is seen as an empowering moment for all those survivors of sexual violence in our community – we believe you, we support you".

The community can view a copy of the proposed changes, and provide comment through Dr Paterson's website: <https://marisapaterson.com.au/news/campaigns/sexual-consent-law-reform-public-comment/>

Statement ends

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