

MEDIA STATEMENT



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The Queensland Law Reform Commission releases a consultation paper calling for submissions on laws relating to consent and the excuse of mistake of fact in rape and sexual assault cases

The Queensland Law Reform Commission is reviewing the operation and practical application of Queensland's laws relating to consent and the excuse of mistake of fact as they apply to rape and sexual assaults in Chapter 32 of the Criminal Code.

The Commission today released a consultation paper (WP No 78) outlining the legal issues in the review, and invites written submissions in response to the questions posed in the paper.

The deadline for submissions is **31 January 2020**.

The Chairperson of the Commission, Justice David Jackson, said:

"The operation of consent laws in rape and sexual assault cases has attracted significant recent attention in Queensland and elsewhere.

The Commission has been asked to make recommendations on:

- (a) whether there is a need for reform of:
 - (i) the definition of consent in section 348 of the Criminal Code;
 - (ii) the excuse of mistake of fact in section 24 as it applies to Chapter 32; and
- (b) any other matters the Commission considers relevant having regard to the issues relating to the referral.

The Commission is also required to prepare, if relevant, draft legislation based on its recommendations."

Justice David Jackson said:

"In making its recommendations, the Commission is to have regard to:

- (a) the need to ensure Queensland's criminal law reflects contemporary community standards;
- (b) existing legal principles in relation to criminal responsibility;
- (c) the need for Queensland's criminal law to ensure just outcomes by balancing the interests of victims and accused persons;
- (d) the experiences of sexual assault victims and survivors in the criminal justice system;
- (e) the views and research of relevant experts;
- (f) recent developments, legislative reform, and research in other Australian and international jurisdictions; and
- (g) any other matters that the Commission considers relevant having regard to the issues relating to the referral."

The consultation paper is available online under 'Current reviews' <http://www.qlrc.qld.gov.au/current-reviews>

For further information about the review, please contact the Commission Director, David Groth, or Assistant Director, Cathy Green, by email at LawReform.Commission@justice.qld.gov.au or by telephone on (07) 3564 7777.