

One Nation Sheet 68S

Amendments to the Crimes Legislation Amendment (Sexual Consent Reforms) Bill 2021

1. Page 4, line 13, subsection (c), after “activity” insert the following words:

“Ongoing communication does not in itself require the various stages and progressions of sexual activity to be based on separate, distinct acts of consent.”

2. Page 4, after line 13, insert new subsection (d):

“the context and practice of sexual consent varies according to the nature, familiarity and longevity of personal relationships in society.”

3. Page 5, line 5, at the beginning of subsection (a) insert the following words:

“Other than in circumstances of a long term, familiar sexual relationship with established practices of non-verbal and non-gesture-based consent,”

4. Page 5, line 32, delete “is mistaken” and insert “has been misled by the other person.”

5. Page 6, line 8, at the beginning of subsection (2) insert the following words:

“Other than in circumstances of a long term, familiar sexual relationship with established practices of non-verbal and non-gesture-based consent,”

6. Page 6, after line 11, insert:

“For the avoidance of doubt, section (2) above does not mean that the various stages and progression of sexual activity require separate, distinct acts of consent.”

7. Page 6, line 16, delete:

“(ii) a mental health impairment.”

8. Page 6, after line 24, insert new subsection (c) as follows:

“must consider the historical context, familiarity and nature of the personal relationship between the accused person and the complainant.”