

Media Release

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STRONG LAWS TO PROTECT VICTORIANS FROM SEXUAL VIOLENCE

The Andrews Labor Government is changing the way sexual violence is dealt with in Victoria, with major reforms introduced to Parliament today that shift scrutiny from victim-survivors onto their perpetrators and make it clear there is no place for this behaviour in Victoria.

The *Justice Legislation Amendment (Sexual Offences and Other Matters) Bill 2022* includes amendments that will adopt an affirmative consent model and provide better protections for victim-survivors of sexual offences.

The model will make it clear that everyone has a responsibility to get consent before engaging in sexual activity. For their belief in consent to be reasonable, a person must have taken steps by saying or doing something to find out if the other person consents – simply, it must be a clear and enthusiastic go-ahead.

This can include, but isn't limited to verbally asking and getting a "yes", a physical gesture like a nod or reciprocating a move such as removing clothes. Even if a person meets this minimum requirement to take steps, their belief in consent must still be reasonable in all the circumstances – for example taking into consideration if the steps went far enough, or if there were cues such as pushing away the accused's hand or facial reactions.

The reforms will also clarify that circumstances where there is no consent to an act, including the removal, non-use or tampering of a condom – commonly referred to as "stealthing" – without the other person's consent is a crime.

The Government will also introduce stronger laws to target image-based sexual abuse, which includes taking intimate videos of someone without their consent and distributing, or threatening to distribute, intimate images, including deepfake porn.

The Bill includes new jury directions to address misconceptions in sexual offence trials and reforms to better protect the confidential health information of sexual offence complainants.

The Bill is the first tranche of legislative reform in response to the Victorian Law Reform Commission's *Improving the Justice System Response to Sexual Offences* report.

This legislation forms part of the ongoing commitment to develop the whole of Government 10-year strategy to address sexual violence and harm. The vital consultative work that underpins the strategy is continuing throughout this year and will shape the strategy's release next year to ensure it delivers meaningful change.

These reforms will be supported by community-based education delivered by local organisations and specialist services, announced in the *Victorian Budget 2022/23*.

The Government consulted extensively with victim-survivors to ensure that lived experience is at the centre of these reforms to build effective and long-lasting change, as well as with the courts and other key stakeholders.

Quotes attributable to Attorney-General Jaclyn Symes

"An affirmative consent model is an important part of changing community attitudes towards sexual offences – moving away from victim-blaming and reducing the shame and trauma often felt by victim-survivors."

"By making it crystal clear that stealthing is a crime, we're not only condemning it but making it easier for victims to realise what's happened to them – and that it isn't something to be ashamed of."

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Quotes attributable to Minister for the Prevention of Family Violence Ros Spence

“This is a crucial step in stopping all forms of violence against women. Every Victorian has a responsibility to challenge the harmful behaviours, attitudes and assumptions that lead to sexual violence.”

“This new standard of consent in Victoria shifts the focus away from the victim and towards the accused and what actions they took to confirm consent.”