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RAPE LAW PROPOSAL GOES TOO FAR

Government attempts to further protect women from rape and sexual assault through the *Criminal Law Consolidation (Rape and Sexual Offences) Amendment Bill 2007* go too far, Independent MLC Ann Bressington said today.

“This Bill is really dangerous as it literally seeks to get into our bedrooms to such an extent as to make it dangerous to engage in sexual intercourse, lest it could be perceived to be rape or sexual assault,” Ms Bressington said.

“This Bill very specifically targets men. It is not about protecting children, disabled or vulnerable people.

“Under this Bill, these offences would carry life imprisonment terms, whilst the same offence against a minor only carries 10 years. Women should feel safe about the relationships they enter into, but this Bill goes way too far, even legislating the conversations we must now have in our own bedrooms, for fear someone might cry ‘rape’”.

Ms Bressington said the Bill takes considerable responsibility away from women, so that every woman who has regretted a decision to enter a sexual relationship is a victim of possible rape or other sexual offence.

“I do hope the Premier has topped up the coffers of the Victims of Crime Compensation Fund and is making more room in our prisons, because the bar has now been set so low, anyone could be a potential victim or perpetrator of a sexual offence as soon as they regret a decision to engage in a sexual relationship,” Ms Bressington said.

“Unless men prepare a consent form and have their partners sign it prior to having sex - just to be on the safe side - there is the potential for abuse of this legislation.”

Ms Bressington said it was outrageous withdrawal of consent does not have to be clearly stated or otherwise expressed, with a male having to guess as to the ‘possibility’ that she ‘might not be consenting, or has withdrawn consent’.

“Worse still, throughout intercourse, he now has to give serious consideration as to her wishes as it becomes an offence under s47(c) if he ‘does not give any thought’ to those multiple and endless variables that may occur within the relationship and transpire in the bedroom. If he proceeds with uncertainty or doubt, heaven help him,” Ms Bressington said.

“The man, on the other hand, will be given no defence; for example, if she fails to disclose she has taken a Valium or a glass of wine beforehand, she will be able to later claim to have been unable to make an informed decision - sufficient for him to be charged.”