**Changing Laws or Changing Structures:**

**consent law reform & abolitionist futures**

**Transcript**

**PART 1: Panel Discussion**

**Kendra Russell** 0:00

Welcome to today's session changing those changing structures where tonight we're going to have a conversation about what does consent Law Reform mean in the context of both 2020 and kind of broader feminist fights for abolition. And I'll just start tonight by kind of acknowledging country. So I want to pay respects to Aboriginal and Torres Strait Islander folks and elders past, present and emerging. And I want to acknowledge that sovereignty over this land has never been seated. Tonight, I am I talking to you all from Jagera and Turrbal country, which is in Meanjin or Brisbane.

And I guess there's a few things that I kind of like to call into this space to acknowledge when I'm doing an acknowledgement of country in terms of this work specifically. So I like to acknowledge that sexual violence was a tool of colonization used to colonize this land. And I also want to acknowledge the integral role that Aboriginal and Torres Strait Islander people play in ending gendered violence. We recognize the role that indigenous leaders and their ways of being knowing and doing center both healing and justice, which are really foundational principles that we're going to be drawing on tonight. And I also want to acknowledge that ideas about abolition, about transformative justice are not new ideas. They are ideas that really started with First Nations folks, and have been brought to fruition in the time that we're using them now by First Nations folks, both in so called Australia and overseas.

Yeah, long prior to the invasion of this lens. So yeah, if it feels comfortable, or if you haven't done so already, feel free to drop in the chat, to name the First Nations traditional name of the place in which you're joining us from, or include it in your kid's name tonight.

And I'll start by just sort of introducing myself and BRISSC, so I'm a worker at BRISSC, which is the Brisbane Rape and Incest Survivor Support Center here in Meanjin or Brisbane. BRISSC is a feminist sexual assault support service that has been around since the early 70s. That was really born out of second wave feminism. Um, we do we provide individual support to women survivors of sexual violence, who have experienced sexual violence at any time in their lives. And we provide counseling, advocacy group work among sort of many other services. So our main office is where I'm calling from tonight, which is here in Woolloongabba.

And yeah, so as I mentioned, tonight's conversation is about Yeah, changing laws or changing structures? What do we do? Or how do we reconcile law reform in the context of abolition. And so for those of you who don't know, I'll provide a really, really brief sort of introduction into kind of the consent law situation that's emerging here in Queensland. And obviously, our speakers will talk a lot more about that. But at the end of last year, it was sort of announced that the Queensland Government was going to be looking at reviewing Queensland consent law and sort of some other surrounding laws. There was a bit of a consultation and submission process that ensued. And that has recently resulted in the proposal of an amendment bill, which we have some serious concerns about will obviously get into that. But that's sort of what ignited the conversation tonight. But obviously, it's such an interesting moment, to kind of be talking about this issue in the context of 2020, when Black Lives Matter is, you know, more prominent than ever, conversations about abolition, transformative justice, restorative justice, to some extent, a kind of more mainstream than they ever have been. And I mean, you know, that while that's happening overseas, it's very much happening in so called Australia. We saw Black Lives Matter rally rallies emerged earlier this year. And in Queensland, we can see at the moment, you know, we've just recently had another Black death in custody, Aunty Sherry in the Brisbane watch house just a couple of weeks ago, and we've seen a really big sort of activist response in terms of that. So there's these two conversations that are happening simultaneously. And I think what we want to get into tonight is kind of looking at what are the overlaps? What are the similarities? How can they be reconciled? But we also want to get into like, what are the difficult points? What are the sticky points? And how can we see your way through?

I think it's Yeah, we're really primed in this moment to have this conversation now. It feels really exciting that we have some great speakers to, to kind of tackle this with us. Um, yeah, so that's kind of what we're going to be looking into tonight. Towards the end, we're also going to be talking a little bit more about kind of steps, steps that we can kind of tangibly take in this moment, that will make quite a big difference. Um, but yeah, for now, I'll jump more into some of the housekeeping stuff.

The first, the first one being a content warning. Obviously, tonight, we're going to be talking about gendered violence, racial violence, other types of violence, specifically, you know, sexual assault, rape, domestic violence. So please look after yourselves. You know, more than welcome to yourself not on videoed yourself on mute and engaged in whatever way feels really comfortable. If you do have any concerns at emerging more than welcome to message anyone on the One Woman Project team, or connect with BRISSC after the fact. But yeah, just wanted to flag that and please, you know, encourage you to all caps yourselves. And we've also got some resources that are going to be emerging in the zoom chat. And they'll also come through after the event in an email to you as well. Um, yeah, so just in terms of some brief housekeeping stuff. And we encourage you what we ask you to keep yourself on mute, please, just in terms of feedback, so we can get some clarity. clearly hear the speakers. And we're also going to have a q&a session tonight. So if at any stage, as Maddie mentioned earlier on, you have a chat, you have a question, you're welcome to pop it in the chat. Someone from One Woman Project will sort of be keeping score of those and those will feed into a q&a session at the end. during that session, you'll also have an opportunity to come off mute or come You know, use your video to to ask the question directly to the speakers. So we encourage you to ask questions that way as well.

You can also message Sarah One Woman Project, there are a question directly and she can ask it anonymously if that's preferred for you. So you can totally ask a question that way. And just wanted to flag as well that we are going to be recording tonight's session. So it will both be available for participants who registered but couldn't attend. And also a portion of it will be recorded and played on fortune said radio show on Thursday morning for radio reversal. That won't if I'm I think I'm correct Maddie that won't include the q&a portion. It'll just be sort of the initial discussion, but just wanted to flag that as well. And so I think that's all the housekeeping stuff.

And I guess I will introduce our speakers for tonight. So we have four of them.

I'll start by introducing Maggie Munn, who's a fabulous non binary femme Gari activist feminist. I've listened to speaker and writer who's based in Meanjin, Maggie's life work is centered around decolonization and pushing for the abolition of prisons. Police in the so called justice system. Maggie's a very active person activists in Meanjin. I've seen them at lots of amazing events. I'm really excited to welcome them here.

And we also have Elena Jeffries, who is a 45 year old Italian Anglo says white woman sex worker living in Cairns. Elena is a state coordinator of respecting respect age Queensland is a statewide sex work organization and is currently supporting the sex worker Emergency Fund, which is distributed weekly to sex workers and locked down in locations who are ineligible for full government support. So welcome, Elena. Nice to see you.

And thirdly, we've got Dr. Natasha Alexander, or Tash, she describes herself as a black British woman of Caribbean origin. She's a sex positive sex worker friendly and quick clinical psychologist. Her approach is informed by systemic approaches and intersectional feminism. She ran away from government disability services to set up her own service called insensibility, where she worked collaborative collaboratively with individuals and as a fierce advocate for people's right to express their sexuality. Then formed and empowered way. She's currently writing a sex positive handbook for clinicians working with people with intellectual or cognitive disabilities. And last but not least, I'm Dr. Rachael who I was missing from in front of me it was me one second.

All right, we've got Dr. Rachael Burgin, who is a lecturer at the Swinburne law school in the chair of the Rape and Sexual Assault Research and Advocacy Center. Her research explores the ways that affirmative consent has been adopted into law and how it's translated into legal practice and rape trials. Her work has been published in leading academic journals and she has advocated for survivor driven reviews into sexual consent laws across Australia. She's a partner on #LetUsSpeak campaign in Victoria, which is currently fighting to restore the rights of survivors of sexual violence to speak publicly about their experience using their own name. And Dr. Rachael Burgin is also kind of our, I view her a bit as our legal translator for this evening. So for all of us non like non lawyers, she can really help break down kind of the legalistic stuff and elements, tonight's discussion, which I'm really really grateful for. So thanks so much for being here.

Um, so I think that's all of our speakers. I guess we're gonna crack into it. Um, so we thought that the best place to start tonight's discussion is with that legalistic, the context what's emerging here in Queensland in terms of consent, law reform, and really setting the scene that way. It's been a massive nine months in terms of that process with lots of sort of peaks and troughs, where we're all kind of scurrying to respond to, you know, the next thing that the state governments or the Queensland Law Review Commission is kind of thrown at us. And then we're at a really crucial time at the moment. So I guess, Rachel, I'm wondering if we can start with you and just getting your support to kind of break down the context for us, specifically breaking down kind of the proposed law reforms that are unfolding at the moment in relation to consent and mistake of fact, and just Yes, at the scene in that way.

**Dr Rachael Burgin 12:16**

Sure. Thanks Kendra, as well for your acknowledgement of country and for highlighting the importance of remembering the ongoing influence of colonization on on First Nations people across Australia.

And so the review into consent and mistake affecting Queensland rape law was largely championed by survivors and advocates including Bree Lee, who's an author, my colleague at Massara Professor john Crow, and women's legal service Queensland, of course, working together with various other sexual violence sector organizations. And the review was undertaken by the Queensland Law Reform Commission, who made calls for public submissions and also held a consultation workshop with survivors and members of various advocacy groups earlier in the year. I attended the workshop as the chair of Asara and in my capacity as a sexual violence researcher. The process of the review lasted approximately 10 months, and culminated in a final report that was released, you know, 5pm on a Friday, in June this year, and it outlined the conditions, you know, recommendations and included a draft bill. Ultimately, after this 10 month review, the commission made a total of just five recommendations that were all reflected in this draft bill. There were three recommendations that related to the issue of consent. So the first states that a person should not be taken to consent to sex, just because they did not say or do anything, to show that they were not consenting. The second was a procedural change, which addresses an interpretive problem in the law, but does not change the definition of consent. It simply ensures that the definition of consent applies to a range of sexual offenses. The third consent recommendation proposes that the law provides or should provide that a person can withdraw consent. So if an actor begins as consensual act, a person can later withdraw consent to prevent that act, or other axiom sequence from continuing.

The final two recommendations relate to the excuse of mistake of fact, mistake of facts refers to the legal principle that enables a person who's accused of a crime to claim that they had a reasonable and honest belief in a set of facts that if were true, would mean that they had not committed an offense. So in a rape or sexual assault case, this means that the The accused person person is arguing that they had an honest and reasonable belief that the other person was consenting to the act. Now, this isn't totally unique to Queensland, and there are some types of there's some form of reasonableness test in all Australian states. However, the ways that this excuse plays out in in Queensland rate trials was a large part of what prompted this review. So the commission made two recommendations in relation to mistake effect. First, was that, that they recommended that the jury who in considering mistake effect should be able to consider anything that the accused person did or said, to make sure that the other person was consenting. And the second recommendation relationship mistake effect was that an accused persons voluntary intoxication cannot be considered a factor in determining the reasonableness of a belief in consent. But importantly, none of these recommendations of these mere five substantially change the law of consent or the Lord mistake affecting Queensland. So we rusada of speaking when we as issara have some really serious concerns about the draft bill. And, and noting as well, that the draft bill has now been presented to Parliament. And we have particular concerns about what the Commission has failed to recommend, despite, you know, the clear concerns and evidence that that sparked the review.

**Kendra Russell** **16:30**

Thank you. Yeah, there's so much asking follow up around that. I guess. Yeah, that process of of the whole review overall was, you know, felt very underhanded for a variety of reasons. I'm curious, you know, there's so much that can be said about kind of what these these sort of proposed changes don't do. But how how would you kind of summarize it? Like, what are the what are the things that you're most worried or concerned about you as both you and Russ are more broadly?

**Dr Rachael Burgin 17:04**

Well, the report ultimately made no recommendations that change anything about how the law is functioning in Queensland today. And of course, as I said, also fail to respond to the concerns. So I'll flag a couple of the key concerns. But there is probably a list that will go far beyond what we can fit in tonight. But take for example, the recommendation that a person is not to be considered to consent just because they did not actively or verbally resist, or say no, so to speak. So this operates under the guise of affirmative consent, that being focused on consent that is exchanged by all parties to a sexual act. But it actually does not go far enough to ensure that a person who freezes in response to an attack does not have that used as evidence of their consent. Freezing alone can't be considered consent under this, this provision. But freezing lack of resistance can be considered in the broader circumstances, among other things, as evidence of consent. So for example, if the accused claims that some that the survivor was flirting with him, and that she then did not resist against his advances, the phrasing or lack of resistance can be considered as a relevant factor. The the provisional withdrawal of consent flags similar issues. So a person can engage in a consensual sexual act, and then perhaps, you know, in the face of changing circumstances or a change in the nature or type of Act, decide to no longer continue engaging in that act. However, the owner should not be on that person to withdraw consent. It should be a continuous communicative conversation between the parties. So for example, if a person consents to sex with someone, but then the other person turns violent during the act, there should not be an expectation that they fight against that violence, particularly because we know that freezing in the face of this type of violence is not uncommon. The other key concern is that the draft bill fails to place a positive obligation on a person who is seeking to have sex with another person to take active and reasonable steps to make sure that the other person or other people are consenting. Instead, the bill simply allows the jury to consider any steps that were taken by the accused if he took any. So this also draws on the language of affirmative consent that is to take steps to ascertain consent from another person, but it's actually been legislated as another protection for people accused of rape. So an accused can point to something they did or they said to support their claim that they have an honest and reasonable belief in consent even Though there is no test of reasonableness of those steps. Additionally, a person who did nothing to ensure they had consent would not be barred from accessing the mistake of fact excuse. So there's essentially no positive requirement on someone to do anything to make sure that another person is consenting.

**Kendra Russell** **20:24**

Great, thank you. I just wanted to clarify, I mean, I'm sure most of the people who are listening this evening have a sense of what a what a freeze responses, but I just wanted to sort of add, you know, part of this conversation about kind of considerations being paid to freeze responses in terms of the law really does come out of, you know, the increasing ever increasing body of trauma research that is available out there, which shows that, you know, freezing in light of, you know, sexual violence is, you know, almost the predominant response that we see from survivors. And that is one of the main reasons that that we feel, you know, it is important to sort of have a have that acknowledged within the legislation. I'm wondering, Rachel, I'm kind of throwing this out at you. So, you know, feel free to respond or not, um, it? Can you talk a little bit like more about what, what affirmative consent means, like in terms of the steps and the reasonableness and, and you know, where this came from, or if we see it in other places?

**Dr Rachael Burgin** **21:31**

Sure. So affirmative consent basically refers to the idea that consent should be actively communicated by all parties to a sexual act, and that it can never be assumed. So it challenges the dated kind of legal frameworks where a person had to actively had to demonstrate that they actively resisted or said no to sexual events that they didn't want to engage in. So it's sort of flipping that, that understanding of consent on its head and asking that instead, we seek consent from each other. And that that consent is communicated through actions and words. It's yes means yes. As opposed to No means no. That's the kind of basic framework for the theory of affirmative consent. And it's really translating that into the law, that that is, is proving at the moment to be quite difficult, but we have seen it done appropriately in Australia. And we have been advocating that Queensland should take the approach that the Tasmanian government have taken which is to, to bar people from accessing the mistake effect excuse if they did not do anything to make sure that the other person was consenting. That's kind of the basics of 101 of affirmative consent.

**Kendra Russell** **22:57**

Amazing. And in terms of how it's operating in Tasmania, like, how has that been around for a while have we been seeing in other places as well?

**Dr Rachael Burgin** **23:07**

Yes, so the Tasmanian approach reflects the approach of Canada. And both of those provisions have been operating with, without controversy for, you know, 20 years. So it is a significant sort of evidence base, that that approach would be appropriate to take in, in other states and across Australia.

**Kendra Russell 23:33**

And can I can I ask and again, you know, answer to whatever level you feel sort of comfortable. But um, you know, this, again, this process has been sort of, as you mentioned, nine months, 10 months, you know, that it's had sort of some, you know, air quotes, kind of consultation element to it. Lots of survivors turned up to that consultation, lots of sexual violence services, legal services, other gender based services showed up. The the resounding kind of voice from survivors seems to all pretty much be on a similar page. What what are your thoughts in terms of like, what's going on? What's what is the resistance?

**Dr Rachael Burgin** **24:15**

That's a great question. I think it was disappointing to all of us who, who saw the, the passion that was spoken, you know, that the survivors spoke with at that forum? I think I think that process was irresponsible. I think it was an exercise of of, you know, tokenistic engagement with survivors. You can't put a you know, get a room of survivors to get a peek at their trauma for multiple hours, and then not refer to any of the substantive conversation and discussion that was had in the report and that's what happened. That consultation is not reflected in the words of the report by the Commission. The Commission Have, to my view failed to look at the considerable evidence base about how affirmative consent laws are operating in other jurisdictions across Australia. They instead relied heavily on a UK study that has not been peer reviewed, that is not public is not open to, to review by any of us here. And to make claims that rape myths don't exist, any survivor who's engaged in any type of criminal justice process, or as even disclosed to anyone about their experience will be all too aware that rape myths exist in our communities, that rape myths, you know, permeate all aspects of society, including in schools, in friendship groups. And and of course, we know in the court system, so it was really disappointing. I think, you know, we've tried to engage with the Attorney General in the past kind of few months. to, to little effect. We'll continue to do that. And and hopefully, we see some, some compromise on the on the draft bill, because it's the the current, the proposed bill just does not go far enough to secure affirmative consent for survivors.

**Kendra Russell 26:22**

Thank you so much, Rachel. Dr. Rachel, I want to sort of, you know, I have the instinct already to kind of get into jump into what can people do, but we have, we will save that for a little bit later, we'll come back to you towards the end of the conversation. I want to just now turn to Dr. Natasha. And, you know, Dr. Natasha, for many already marginalized groups, this reform feels really concerning. And I just want to sort of ask you about how this shows up or relates to the work that you do, in terms of consents with individuals, but specifically with individuals with intellectual or cognitive disabilities? How How do you see consent play out in these spaces? And what are your thoughts in terms of Yeah, you know, considering these reforms and what they're proposing or not proposing?

**Dr Natasha Alexander** **27:20**

Thank you.

Yeah, so the reason, you know, I mentioned that I ran away from from government. And I did because I was, I was concerned about a lot of sort of a few sort of issues that I noticed that I didn't feel were being addressed very adequately. So firstly, the sort of knowledge that people with intellectual disabilities are among the most vulnerable to being targeted for for sexual assault as children and also as adults, but also, they're less likely to receive adequate sexuality education, there might be an emphasis on teaching about protective behaviors, but not actually around supporting people around having sexual relationships, if they want to. And the Criminal Code, there's section 216, which isn't addressed by this, by the law reform. But in Queensland, it actually sort of renders it essentially illegal for someone to have sex with a person with impaired intellectual capacity. And that was written in 1899, with a view to protecting people from sexual exploitation. But it doesn't even do that, in my opinion, and what it what it does cause is people in Queensland being very cautious about this. I've heard it so many times when I was in government, and even now, but isn't it illegal to talk about people, people's sexual relationships? You know, people just don't know what to say. They're very confused about the legislation in most other jurisdictions and also internationally. And there's an emphasis on people's ability to consent, so an emphasis on their capacity to consent. Whereas in Queensland, it's just a blanket, people with intellectual disabilities do not have capacity to consent is that it's not even sort of considered really. So my concern, I have a lot of questions, basically, just about whether people how people with intellectual disabilities are included in these new reforms, if at all, is there any plans to change any of the definitions around consent? So a while ago, there was a push to change the definition in Clause 348. I'm just quoting from something that I have, and they wanted to change them change the definition. So that it adds that any person regardless of cognitive impairment can be deemed to have capacity to make a decision. If they understand the nature and effect of the decision. They can decide freely and they can communicate the decision in whichever way is feasible for Then. And that's something I'd be very concerned about with this with the, the legislation just around the focus on communication. And that includes verbal communication, but also thinking about other ways that people might communicate consent as well.

**Kendra Russell 30:18**

Thank you so much for that response, I guess. Yeah, like I'm thinking back to, I think it was sort of the 20, if I recall, correctly, the Queensland Law Review Commission released their sort of announcement or call for submissions into this review on the 24th of December last year, which was great. And we had about a month to sort of prepare things, the report was about, you know, 150 odd pages. I know, in terms of the sexual violence sector, which is filled with support workers, counselors, social workers, etc, we can often get really, you know, we can often feel really anxious about kind of a legalistic nature of these types of reviews, obviously, being really well connected to survivors and being a direct how to their voices, we want to get in there and get messy and get right into it. But but it can be really challenging to and now when I think back to reading that report, I have I have no recollection of, of, you know, talking about talking about consent, with a lens, to, to disability, to capacity, to you know, cognition, any of that. I'm thinking about the ways in which they've, they've been talking about consent. And as as kind of incorporating not just verbal cues, like that's kind of the language they use, they use verbal, but then, you know, insert all the extras here. I'm curious. Yeah, like you say, there was sort of this push maybe a few years ago to sort of think about this, this intersection around consent and disability. And now here, we've had this this quite massive review of consent law, you know, in the last 10 months, that that hasn't mentioned it at all. Do you have any thoughts on kind of why that was ignored? Or, or any insights in terms of the last kind of conversations that were had about it a few years ago, where they landed?

**Dr Natasha Alexander 32:24**

I'm not entirely sure. And I think it's, I don't know, whether it's, it's partly to do with a sort of paternalistic attitude that people have towards people with intellectual or cognitive disabilities, that on the one hand, you know, it's a continuum. But But basically, you know, people might see adults with intellectual disabilities as being quite childlike. I've heard people say that, that they've got a mental age of four or whatever, I don't use terms like that, because it's not a meaningful. But if you're thinking of someone as being tired, like then then you're not necessarily giving people the education and the support that they need to which as they are as adults, with adults, sexual needs, and I think, maybe for many people, it's quite neat. The way that it is that it's kind of covered under Section 216. It's it's protective, we keep it licensed safe there, we don't meddle with it. And then, and then, you know, it'll, it'll just be fine. I don't know if that's what's happened or whether it's been put in the too hard basket. But the fact that there is precedence in other jurisdictions in Australia, I think should mean that people with intellectual disabilities should be having their rights supported and advocated for.

And and when it comes to kind of thinking, I mean, obviously, you've mentioned that there's kind of this blanket section within the creek, Queensland criminal code, that that obviously massive effect massively affects people with disabilities who are engaging and having you know, sex, when it comes to thinking about this, you know, kind of languaging around affirmative consent, and what that means and thinking about sort of mistaken fact and this idea, and how did those lands for you and with the people that you that you work with, when you think about affirmative consensus that yes, so i. So, where do I start with this? So for some people, the attitude in their work with with people with intellectual disabilities, and I think it's sometimes comes from a good place, is that they people seem to want people to be quiet obedience and compliance and to do as they're told, and that sometimes translates into people's sex lives or they end up in unhealthy relationships. Or they might end up being in situations where they don't have the knowledge or the backing to know what they're saying yes to. So people for example, that I know of have been sexually bees. And they said yes to something that they were being asked to do. But they didn't know what it was. And they had this attitude of Well, I'm supposed to do what I'm told I'm supposed to be compliant. And they ended up saying yes to something that they didn't want and that they weren't actually consenting to. So with, you know, as people, with people being included in this legislation, we have to have a lot of foundations and background and support so that people have informed consent. They actually know what sex is, they know what different sexual activities are, they don't just say yes to things. Because they're trying to please the be, they are supported, to be assertive, and to say no, and to be difficult and feisty, and all these things that we, we we all have to sort of learn in order in order to protect ourselves. But I yeah, I would be it needs to be a big sort of infrastructure, infrastructure, really, and that people need to be having these conversations with people, even as children, children with intellectual disabilities need to know about protecting themselves, but also needs to be know, know, what they yesses and be able to people respect their Yes, yes, they'd like to play with that toy. No, they don't want to know, they don't want to have you know, their pet chains at this moment. And that they're, they're kind of, you know, involved in decisions that have to do with their body that they understand about safe and unsafe touch, needs to start early.

**Kendra Russell 36:27**

Thank you so much. I think that it's, you know, so interesting that every time we, you know, added another lens of sort of intersectionality, to thinking about consent, we we want to change that definition again, you know, consent has so many layers. And you know, so many of the cohorts demographics, folks, people, communities that we're talking about tonight, I think, really enrich those kinds of definitions. So thanks for adding that. I'm aware of the time so I'm gonna turn it over to Elena who I would love Atlanta few to sort of talk a little bit about what these reforms mean for four sex workers and in Queensland. What is your experience or knowledge of kind of similar reforms elsewhere, and just anything else you'd like to add?

**Elena Jeffreys** **37:17**

Thanks so much, Kendra. Well, I'll start with the key sex worker issues and land on the consent laws. At the at the end of what I've got to say, because right now, sex workers safety in Queensland is already undermined by three different sets of laws. Firstly, the Criminal Code. And as I just mentioned by Katrina, there are sections of the Criminal Code. Secondly, the prostitution act. And thirdly, the police powers act in Queensland. And together that legislation criminalizes basic safety strategies that are normal for sex workers in any workplace setting and in fact, are quite normal for any workplace setting, such as working together, texting each other to check in about where we're going our address, how long our bookings going to be, what time we're leaving whenever you expected back or expect to text back. Employing receptionists for client screening. And driving each of them is crime here in Queensland, like all of these things, attract police attention and criminal penalty. And police can pose and do pose as clients to entrap sex workers into using these safety strategies and gain evidence that way and arrests sex workers or fine sex workers.

So that's the right now the baseline around sex worker safety in Queensland. And if we turn our eye towards recent more phone condition that what we're talking about tonight with the consent laws, so the Law Reform Commission did highlight. And you've mentioned I mean, those are submissions of submissions that the issue of staffing is a considerable issue for sex workers. Unfortunately, they said it was outside their remit. And that was how they addressed it in the report. But this remains a key issue for sex workers. And I'll go back to Rachel bergans point, which is about withdrawing consent to a particular act if the conditions of that act are changed by one of the parties and that's why I still think falls in under there.

**Kendra Russell 39:46**

yeah, just Can I just jump in and ask you to define stuffing for those of the audience who might not know what it is.

**Elena Jeffreys**  **39:52**

So still thing is the non consensual removal of a condom during different forms of penetrative sex. And the stealthing aspect is that it's done in a secretive way, without the sex worker knowing. And then when it comes to light, there can be, you know, quite a not, you know, sex workers very upset, angry, wondering what their rights are in that situation, how did they move forward? It is viewed as sexual assault by sex workers, even though you have agreed to pick because you have a particular booking, that includes protection. And once the client does an act like that, within the booking, as far as we're concerned, as sex workers, we didn't consent to sex without protection. And so we view that as sexual assault.

**PART 2: Final Comments & Questions**

**Kendra Russell 0:00**

Maggie and my two sort of final, final comments or final questions to our around: what do you want? What do you want people to walk away with from this conversation? Whether it is about, you know, law reform, or abolition what are what are the steps that you want people to kind of tangibly feel? And also, you know, is there anything else that you wanted to add tonight that you haven't had the chance to see? Yeah, Maggie, I'll get you to go first, if that's all right.

**Maggie Munn 0:29**

Yeah, sure. I'm there. I think it's been a really interesting panel. And I hope that all the people who jumped on tonight have gotten something out of it. And I think for me, what I'd like people to take away from is that from today, is that abolition is possible. And that what we experienced now in this current system is not justice at all, you know, real justice is very much possible and it can exist. And it's our responsibility to fight for it and to demand it. You know, you do that by being an advocate, by being an activist. By showing up and listening to webinars like this, to get further knowledge about it, you know, it is it is very possible, and I and I hope that people feel the fire within them, I guess, to demand more than what we're currently experiencing.

Further comments. Thanks for having me. And thanks to Rachael and Elena and Natasha for sharing their experience and their perspective on this, I think, all of us, you know, we participated in this webinar, because we can see that we have a shared interest and some commonality around fighting for a better world. And at the end of the day, that's what abolitionist movements are, it requires us to imagine a better world. And that's what I hope that people take away.

**Kendra Russell 2:14**

Thank you. I feel like I also want to plug some of the work I've seen you do Maggie around kind of imagining, you know, workshops, community workshops, imagining alternatives to police and alternatives prison, I feel like they are there are places where these conversations are happening, and sort of really tangible strategies around, you know, abolitionist strategies that we can embrace, including sort of transformative justice conversations are happening. So we will ensure to send you all links and resources to those at the close of the event tonight. And, Natasha, what do you want people to walk away with in terms of steps for reform? Or final comments?

**Dr Natasha Alexander 2:57**

Yeah, I guess, kind of thinking at the, at the macro and the micro level, I guess, at the macro level, just kind of making sure that thinking about how are we including people with intellectual and cognitive disabilities in these conversations, it's, it's alarming to hear that there's tokenistic forms kind of happening. And and if I kind of think if that's happening to people who don't necessarily have disabilities, kind of, you know, how are we going to possibly hear the voices of people with intellectual cognitive disabilities, but I really want us to kind of keep amplifying those voices and advocating for change within the legislation. And also this sort of sort of micro level just kind of thinking about thinking about people, adults with intellectual disabilities as adults, I get so frustrated hearing all these stories about people being childlike, and that they haven't possibly they haven't probably growing up. But we need to remember that people have gone through puberty, they have adults, and just not everyone. I'm not speaking for everyone with intellectual cognitive disabilities, but many people are and they, they come to me and they, they are shocked that I say that they can have a relationship with someone, and that they're just amazed that this is something that can actually happen to them. So just kind of on a on a sort of smaller level. What can we be doing about thinking about people's understanding of consent, understanding of relationships, understanding of their body autonomy, just on a on a daily level. Thank you.

**Kendra Russell 4:32**

Thank you so much. Elena, I would love you to answer those couple of questions as well.

**Elena Jeffreys 4:39**

Yeah, well, I first of all wanted to emphasize what Katrina's saying and just in the same way that sex work, as a community don't belong to be defined within the Criminal Code is the police deciding what we can and can't do? It's for people within two intellectual and cognitive disability, the Criminal Code is literally with police deciding that is literally one of you know, have to be entirely inappropriate. And I think that those examples really frame what we're talking about when we're talking about abolitionism. Prompted by Maggie's comments, I have to rewind somewhat what I said earlier, because it just made me think about things differently. And looking at the example of Canada that Rachel mentioned, you know, the affirmative consent laws if they've been in Canada for so long, why is it that Canada? Excuse me, is one of the jurisdictions with the worst sex work laws in the Western world? How can that? You know, is it the case that cuts through feminism, when pushed ahead, in a consent point of view? Does that take us back into that sort of turf territory by default? You know, I, I've done some look at the research in Canada, but not until the research I looked at into once the new laws came in. So I've just wanted to put that out there as a question, how does abolitionism and cultural feminism sit alongside each other? Because if we believe that sex workers should be able to control their own workplaces control the decisions relating to our bodies, if we want police out of sex worker workplaces, and we want to stop the criminalization of sex workers, we can only support the decriminalization model of, you know, framework and social understanding whether that's in the Queensland jurisdiction, or any jurisdiction, you know, to lace down our necks in Queensland as sex workers, we're not the only jurisdiction with this problem, but we definitely. And with COVID as well, you know, with all of the restrictions in place, my last point is, could it be irresponsible not to end on a plug for the Scarlet lights emergency fund, all the money donated to that goes straight into sex workers pockets on a weekly basis. And I did share the link with the one woman project, maybe they can drop the link in there. But there's one fund that already reached its hundred thousand dollar goal, all that money is gone. And now second fund started up. So I mean, that is mutual aid. That is mutual care. It's sex work is doing it for ourselves, because the government's not going to do it.

**Kendra Russell 7:42**

Thank you so much. And Rachel I’ll just turn to you.

**Dr Rachael Burgin 7:47**

Thank you. And thanks to Elena, Maggie and Natasha, for your final comments there, too. I wanted like, you know, chat with all of you about all the things you raised, I think I will summarize what I'm what I'm sort of thinking about by saying that we need holistic approaches, that is what will support an abolitionist approach and that and that also means just sort of drawing oil. And I said about sex work. affirmative consent, must underpin the entire legislative framework, not simply the definition of consent. It needs to underpin evidence law, it needs to underpin either trial practice and the the architecture of a courtroom, these processes and institutions need to be totally flipped on their head in order for affirmative consent to truly work in the feminist sense. The other thing I want to say, and I think this is particularly important in the Queensland context, where survivors, and I'm seeing a comment in the chat from Chantel who sat behind me at the panel in I think, February or March this year. survivors are experts. They know how the system affects them. They understand the the trauma of the process of justice, and we need to prioritize the voices of lived experience, not as participants in research projects but as but as experts in their own right. So I think that's, that's one of the most I think, important things to take away. It's, um, it's so unfortunate that that survivor voices have been ignored by the Queensland Government. And particularly because they were picked out and, and you know, proud of that, at that at that event. So I think, you know, highlighting the importance of the voices of Have the lived experience is important here.

**Kendra Russell 10:05**

Thank you so much. Yeah, I really feel the need to keep this conversation going to but I really appreciate everyone's thoughts so far. So just in the last minute, I'm gonna, I'm going to give you all a couple of quick sort of tips in terms of consent, law reform and how you can get involved. So we will send these resources out to you, but the two biggest ones submissions on the on the bill, this proposed bill that we've been talking about all evening are due tomorrow, QCOSS, which is an organization in Queensland, the Queensland Council of Social Services has made a really short template, which is really ideal for individual people to submit on their own behalf. So we're going to send that to you this evening. And if you have time this evening, or any time tomorrow, before close of business, to just copy, paste, add your name to that submission and send it to the instructed place, I would really, really encourage you to do so. I don't think that the Queensland Government was expecting kind of such a coordinated response between survivors, sexual violence services, other sort of gendered services, I really don't think they were expecting it. And so you know, the work we've done so far has been amazing. But individual submissions make a difference. You know, sometimes it's a numbers game. And the more submissions they have, you know, are demanding one thing, the more accountable they are. And if you don't have time for that, we're also going to plug RASARA just has a little petition, you can just simply put your name to and it gets emailed directly to the attorney general. So we will send you that. But yeah, one woman project will also be sending you more information about kind of other opportunities and discussions. So thank you so much to all of the speakers. We had such a good turnout tonight. And yeah, thank you all and we will be in touch soon.