

**Mr ROB STOKES, MP**  
Member for Pittwater

**14 November 2007**  
**CRIMES AMENDMENT (CONSENT – SEXUAL ASSAULT OFFENCES) BILL 2007**

I speak to the Crimes Amendment (Consent—Sexual Assault Offences) Bill 2007. Many people here tonight know a lot more about the law on this issue than I do, but I reckon I know what is right and I certainly do not oppose any changes designed to ensure that more perpetrators of sexual assault are convicted. I understand that this is a difficult area and that some potential legal intricacies must be ironed out. I agree therefore that it is appropriate to provide that the effectiveness of this legislation be looked at in the next few years. I also believe that better resourcing of criminal justice agencies is always the most effective way of dealing with crime.

I believe that sexual assault in our community is so serious and so heinous a crime that we in this place must do everything we can to ensure that the perpetrators of sexual assault are brought to justice. Occasionally that means we must experiment with the law. It sometimes means that we should try things that may not go along with the traditional concept of mens rea, but if we have to do that to secure justice then so be it. I have looked carefully at the concept of an objective test. Fundamentally, if someone is unsure as to whether their sexual partner is consenting then there is no basis upon which they should proceed to have sexual intercourse.

It is also very important to educate our community that if there is any doubt at all about consent then sexual intercourse should not even be contemplated. I acknowledge that a number of technical difficulties can be looked at during a review period, but I believe this is an appropriate way to respond to the enduring problem of sexual assault and winning justice for the victims of sexual assault.