



Department of Justice

Office of the Secretary

Via email: haveyoursay@justice.tas.gov.au

Laurel House Submission: Renaming Sexual Offences

Thank you for the opportunity to provide feedback on the proposal to rename sexual offences by removing outdated language in Chapter XIV of the Criminal Code Act 1924.

Laurel House provides counselling, education, 24/7 crisis support and advocacy for those impacted by sexual assault, and their support networks, across Northern Tasmania. All decisions and activities undertaken by Laurel House, including our participation in legislative reviews, focusses on our clients, seeking to support and advocate for them, and the broader Tasmanian community, to the best of our ability.

The language of the legal system has an impact beyond just the parties involved in a case because it is used to create the narrative for society. In a prominent American training publication, *Raped or 'Seduced'? How Language Helps Shape Our Response to Sexual Violence* (Presenter: Claudia J. Bayliff, Project Attorney, National Judicial Education Program) it is identified that language often implies consent and romance, rather than criminal acts. In addition, it is observed that sexual violence, particularly toward women and children is often described in passive terms, allowing the perpetrators of this violence to remain invisible and unaccountable. Outdated, inappropriate language also objectifies or blames sexual assault victims and demonstratively hides the nature and extent of rape.

Coates and Wade (2004) make the point that 'the degree of responsibility apportioned to any offender depends only in part upon his or her actions. It hinges also on how both offenders and victim's actions are represented linguistically in police reports, legal arguments, testimony, related judgments and more broadly, in public and professional discourse.'

We are therefore greatly encouraged that the Tasmanian Government is taking action to address a long-standing concern of ours around the use of outdated language, particularly given other Australian States have already carried out this essential work, creating a distinct disadvantage for Tasmanian victim-survivors.



Laurel House fundamentally supports the intent behind the proposed amendments but believes the following legal terms should be further strengthened in order to better reflect the severity and impact of the criminal act:

- *'Maintaining a sexual relationship with a young person'*- **changed to** 'persistent sexual abuse of a child', or, where there is penetration 'persistent rape of a child';
- *'Person permitting unlawful sexual intercourse with a young person'* **changed to** 'permitting child sexual abuse', or where there is penetration, 'permitting rape of a child';
- *'Communications with intent to procure person under 17 years'*, **changed to** 'Grooming a child with intent to sexually abuse'.
- *'Procuring unlawful sexual intercourse with a young person'* **changed to** 'procuring child sexual assault';
- *'indecent act with a young person'* **changed to**, 'engaging a child in a sexual act', or where there is penetration 'rape of a child'; and
- *'Procuring by threats, fraud or drugs'* **changed to** 'procuring a person for sexual assault by threats, fraud or drugs'.

I thank you for your time spent reading our submission and invite you to contact me should you require further clarification or additional information.

Yours sincerely

Justine Brooks
Chief Executive Officer

NB: Acknowledgement is provided to Nina Funnell and the EROC Australia submission for advice around proposed terminology.