

# News Release Deputy Premier John Rau

Attorney-General  
Minister for Justice Reform

Wednesday, 3<sup>rd</sup> December 2014

## Better protections for people with a disability

Laws that give people with a disability greater protection from abuse by support workers and service providers have passed Parliament today.

Attorney-General John Rau said the changes to the *Criminal Law Consolidation (Sexual Offences-Cognitive Impairment) Bill 2014* make it a crime if someone in a position of trust, power or authority uses undue influence to engage in sexual activity with a person with a cognitive impairment.

“People with a cognitive impairment can be particularly vulnerable to sexual exploitation, especially from those in a position of trust, power and authority,” Mr Rau said.

“This Bill creates two new offences;

1. To obtain or procure sexual intercourse or indecent contact through undue influence between a service provider and a person with a cognitive impairment.
2. The performance of an indecent act by a service provider without the consent of a person with a cognitive impairment or obtaining their consent to the performance of the act by undue influence.

“The laws will apply to any service provider to a person with a cognitive impairment, whether for payment or not (this includes volunteers and informal service providers, but excludes spouses or domestic partners),” he said.

This new law is part of a raft of measures included in the Disability Justice Plan to ensure people with disability are better served by the justice system.

“While people in the disability sector have a variety of views on how best to tackle this issue, there is broad support for the efforts we are making in this area,” Mr Rau said.

“A real effort has been made to balance the need to protect people with intellectual disability, while not undermining their sexual autonomy.

“We have adopted an “undue influence model” which presumes that a service provider in a position of trust, power or authority used undue influence to obtain or procure any sexual conduct with the person with a cognitive impairment, unless they can prove otherwise.

“Following the passage of this Bill through Parliament today the laws will come into effect in the coming weeks.”

Media contact: Kate Baldock – 0459 241 531