



Quiz

On Ostensible Consent and the limits of autonomy

1. What is ostensible consent?
 - a. Verbal consent by a person who does not truly mean what they are saying
 - b. A communication of consent achieved through threats, violence or coercion
 - c. When there is consent by both parties, but a factor is at play which violates at least one partner's sexual autonomy
 - d. There is consent by both parties, but at least one of the parties withdrew consent without communicating this
2. Is transmission of HIV considered grievous bodily harm in NSW?
 - a. Yes, regardless of whether the HIV-positive party disclosed this fact
 - b. Yes, but only if the HIV-positive party did not disclose this fact
 - c. Yes, but only if the HIV-positive party made no effort to mitigate the risk
 - d. No, it is never considered grievous bodily harm

3. Which of the following is considered by English law to be fraud in the factum?
 - a. Impersonating a husband to have sex with the wife
 - b. Misrepresenting a medical procedure as necessary when it isn't
 - c. Non-disclosure of gender transition
 - d. All of the above
4. Can informational fraud vitiate consent in common law?
 - a. No, never
 - b. Yes, always
 - c. Yes, depending on the extent of the deception
 - d. No, except where it is fraud in the factum
5. Is the non-disclosure of gender transition to a sexual partner considered a violation of sexual autonomy in NSW?
 - a. Yes, always
 - b. Yes, but with exceptions
 - c. No
 - d. There have been no cases so far testing the question

Answers:

1. c 2. b 3. b 4. d 5. c