

The age of consent for sexual activity in the ACT is 16. This means that people who are 16 can legally consent to sexual activity. It also means that it is unlawful to have sex with a person under 16, even if they agree.

It is also unlawful for an adult in a position of trust, such as teacher, coach or guardian, to engage in sexual activity with young people for whom they care, unless they are 18 years or older.

Each State and Territory in Australia has its own laws about the age of consent. It is important that you check what the law is in your State or Territory.

THE MEANING OF CONSENT

Consent means to freely and voluntarily agree to sexual activity. It also means taking responsibility to ensure that the person you are attracted to is comfortable and agrees to go further.

If someone is manipulated, threatened or forced into sex, or if they are so intoxicated that they don't know what is going on, then they are not consenting.

Each and every time you do anything sexual, ranging from touching and kissing, to having sex, you must always have the other person's consent, from beginning to end.

Never assume that a person is consenting because they have said "yes" at other times, or because of their reputation, or the way they act or dress.

HOW DO YOU GIVE OR GET CONSENT?

Checking for consent can sometimes be tricky, especially if you are getting to know someone and feeling nervous.

The safest way to get consent is to talk about it and to look for body language. If the person with whom you want to be sexual is silent, still, looking worried or crying, then something is not right. Always check, be respectful and don't push things.

Just because...

- Someone consents to kissing, doesn't mean they consent to go further.
- You want to go further, doesn't mean the other person has to.
- You had sex with someone before, doesn't mean they want to do it again.
- Someone is flirting with you, doesn't mean they want sex.
- People think you should do it, and you are old enough by law, doesn't mean you have to.

REMEMBER

Whether you have just started to date someone or you have been in a relationship for a while, the rules about consent stay the same:

- Consent can't be assumed; always check, talk about it, and look for body language
- You can withdraw your consent at anytime, even in the heat of the moment
- Being sexual with someone without his or her consent is sexual assault.

If you need further information or support please speak to a trusted adult. For confidential legal advice, contact Legal Aid ACT, Youth Law Centre ACT, or a legal aid office in your State or Territory