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# STUDY GUIDE

To facilitate discussion and learning about the law of consent, respectful relationships, and the dangers of mobile phones.

**Legal Aid ACT**

The film and this Study Guide form part of an early intervention initiative for the prevention of sexual assault



Legal Aid ACT would like to credit that *Know Means No* was originally titled *Trusted Moments*. *Trusted Moments* is a short film created by the Legal Services Commission of South Australia with the support of the Law Foundation SA.

We thank the Legal Services Commission of South Australia for allowing us to reproduce this valuable resource and study guide.

For further information about *Trusted Moments* please visit [www.trustedmoments.com.au](http://www.trustedmoments.com.au) or contact Legal Aid ACT [www.legalaidACT.org.au](http://www.legalaidACT.org.au)

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## ABOUT THE FILM

*Know Means No* was developed to educate young people in the prevention of sexual assault through raised awareness of the importance of experiencing and enjoying relationships with their peers based upon consensual and respectful behaviour.

This short dramatisation draws attention to types of attitudes and behaviour patterns that can encourage or lead to sexual assault. The film also highlights the inherent legal risks associated with using mobile phones for producing and sharing sexually explicit images of young people (“sexting”).

Sexual assault remains one of the most prevalent criminal offences in Australia, despite the fact that only a small percentage of sexual assaults are ever brought to the attention of the police or the courts.

The impact of sexual violence can result in long lasting physical and psychological effects on victims, families and whole communities.

People who commit sexual offences can face serious legal and social consequences. A conviction in court can result in imprisonment and registration as a sexual offender with restrictions imposed on work, accommodation and travel. Those convicted may become socially isolated and be subjected to ridicule or hatred. The families of such people can also suffer from humiliation and guilt.

As one of the social groups most vulnerable to sexual assault, young people should be offered appropriate opportunities to explore and to gain a greater understanding of the issues surrounding their peer group social interactions.

Young people also have a role to play in changing cultural norms and values that may appear to condone and justify violence. Achieving attitudinal change through education is considered an important step towards reducing the incidence of sexual offending and victimisation in our communities.

## TARGET AUDIENCE

The film is suitable for young people from 15 years of age. It includes some low level depictions of sexualised behaviour. While the film’s primary audience is young people up to 18 years of age, *Know Means No* deals with issues that are relevant to older youth, parents, educators, and people working in the area of crime prevention with a focus on sexual assault.

## VIEWING THE FILM

*Know Means No* is a free resource that can be viewed and downloaded on the *Know Means No* page of the Youth Law ACT website at:

[www.knowmeansno.youthlawact.org.au](http://www.knowmeansno.youthlawact.org.au)

On the website you will also find a number of downloadable resources including legal facts sheets, links to relevant research, suggested frameworks on sexual assault prevention education, and contact details for legal aid agencies across Australia and key support services.

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## ABOUT THE STUDY GUIDE

This Guide has been designed to encourage and support education about sexual assault prevention in a range of settings including schools, youth services and alternative learning environments.

Please take the time to become acquainted with this information, in particular the fact sheets, which aim to introduce young people to basic legal concepts and facilitate their participation in the suggested learning activities contained in the Guide.

Is it important to note that the legal information in the fact sheets relate to laws applicable in the Australian Capital Territory. Each State and Territory has its own legislation about consent to sexual activity and sexual offences, including criminal offences related to the sexual exploitation of young people through the use of mobile phones and the internet.

The law related to consent and sexual assault can be complex and highly technical, and the legal information contained in these materials should not be used as a substitute for specialist legal advice on these issues.

If you are viewing this resource outside of the ACT, please ensure that you find out about the applicable law in your State or Territory by contacting your local legal aid agency. The contact details for legal aid offices across Australia can be found in the *Know Means No* section of the Youth Law ACT Website.

## KNOW MEANS NO LEGAL EDUCATION WORKSHOPS

The *Know Means No* legal education workshops are designed to explore in more detail the legal issues raised by the film.

Facilitated by experienced legal education practitioners, the workshops provide a unique opportunity for schools, youth services and community organisations to engage young people and their staff in specialised early intervention education about laws dealing with sexual assault and other criminal offences, and processes associated with criminal prosecutions in court.

For further information on how to book a *Know Means No* legal education workshop or a professional development seminar, please email Legal Aid ACT: [legalaid@legalaidACT.org.au](mailto:legalaid@legalaidACT.org.au) or visit [www.legalaidACT.org.au](http://www.legalaidACT.org.au)

## FOR SCHOOLS AND YOUTH SERVICES

Schools and youth services are uniquely placed to engage young people in education about violence prevention.

Achieving attitudinal change around the issues of relationship and sexual violence requires time and ongoing commitment. Therefore it is critical that early intervention programs are provided through frameworks that can support their implementation over the long term.



The Legal Aid ACT website provides links to research on best practice frameworks for assault prevention education for young people in schools and alternative learning environments. Please take the time to review this material discussing key elements and issues for consideration by people wishing to undertake sexual assault prevention work with youth.

The following suggestions aim to assist schools and youth services to gain the most benefit from the use of *Know Means No* as an early intervention tool:

- Meet with staff and young people to introduce the resource and discuss ways to implement it in curricular and non-curricular areas
  - Identify teachers or workers with a proficiency in legal studies, sexual assault prevention, sexual health or gender studies who can deliver the resource, or contact Legal Aid ACT to book a *Know Means No* workshop
  - Explore options for staff professional development relevant to sexual assault prevention and child protection
  - Review, update or develop your policy on sexual violence prevention and gender equality. Announce your policy and protocols to the whole school or organisation
  - Review the legal requirements with respect to child protection and mandatory reporting, and assess the knowledge and awareness of your staff, providing training as required
  - Together with school counsellors and health professional staff, discuss ways to incorporate (if not already in place) screening and referrals for sexual assault
- Provide students with ongoing youth-focused education about prevention of sexual assault, and encourage them to organise their own events and activities to promote respectful relationships
  - Work with Legal Aid ACT to determine how best to respond to the needs of minority groups, including culturally and linguistically diverse youth, Aboriginal and Torres Strait Islander young people and young people with a disability
  - Liaise with other schools or organisations in your area or region to organise joint forums featuring high profile speakers and youth advocates for sexual assault prevention
  - Develop relationships with local agencies, e.g. community legal services, police, youth health and counselling services, and domestic violence support services

## EMOTIONAL SAFETY

To provide for the emotional safety of young people and the staff using the resource, the following strategies are suggested:

- Make sure the staff delivering the resource have the appropriate skills to do so. This is particularly important for creating a climate of trust, respect and cultural inclusion, and for facilitating appropriate interactions in mixed-gender group environments
- If you need support in delivering the resource, please contact Legal Aid ACT to organise a *Know Means No* workshop
- Let young people know that the film explores issues around consent, sexual assault and the use of mobile phones for producing and sharing sexualised images of young people



- Remind young people that they can choose not to participate in the session
- Before and after the film, encourage young people to seek support if they feel the need
- Make certain that your school or service can support young people who disclose issues of sexual assault, either by way of an in-house counsellor, or referral to a specialised service
- Become acquainted with relevant services, e.g. legal advice, sexual assault counselling, sexual health, support for victims of crime and Police. Please visit the *Know Means No* website for links to relevant support services
- Consent can be withdrawn at anytime, even in the heat of the moment
- People who commit sexual assault are the ones who are responsible for their violence
- Intoxication is never an excuse for sexual assault (including in the eyes of the law)
- Using mobile phones or the internet to produce, store or share sexually explicit photographs of young people (including photos of yourself) may constitute criminal offences under child pornography laws

## KEY LEARNING OBJECTIVES

The film and the suggested group activities that flow from it are aimed at acquainting young people with the following key concepts and issues:

- Sexual assault and rape are serious crimes
- Sexual violence is never OK
- The age of consent for sexual activity in the ACT is 16 years.
- Pushing, forcing or threatening someone into sex is sexual assault
- It is unlawful for an adult to engage in sexual activity with a young person who is under their supervision, and who is under the age of 18
- The key ingredients for safe and healthy relationships are consent, respect, and communication
- Checking for consent is a personal responsibility

## GROUP ACTIVITIES

The following group activities should be undertaken in conjunction with the film and the **Fact Sheets** found at the end of the Guide and also available for download from the *Know Means No* page on the Youth Law ACT website.

The purpose of the activities is to generate discussion about the importance of respect and consent within relationships, with the aim of helping young people recognise and prevent the types of behaviours and attitudes which may lead to sexual violence.

It is important that opinions be shared in a safe and respectful manner.

Depending on the number of young people in your group, you may want to break into several smaller groups.

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## Activity 1

### Characters and 'Key Moments'

Explain to participants that an appropriate way to flesh out issues raised by the film is to look at the main characters and their behaviour at 'key moments' during the film.

This activity aims to focus on interactions between the main characters and whether or not they are seen to be behaving in a respectful and ethical manner.

The activity also considers the law. Have any of the characters committed a criminal offence? If so, what could be the implications?

- Bianca ('birthday girl')
- Mel (Bianca's friend)
- Cody (Bianca's cousin)
- Nick (Cody's friend)
- Reece (mobile phone boy)
- Krystal (filmed in the toilet)

Focus on the following 3 'key moments'. Explain each 'key moment' to participants and then ask them to discuss the questions within their small groups. Invite small groups to report back their ideas to the whole group.

### Key Moment 1:

**The interaction between Bianca and Mel, when Bianca encourages Mel to take her top off.**

- Describe what you see happening when Bianca encourages Mel to take her top off.

- Mel is clearly uncomfortable about taking her top off. What pressures do you sense she is under? Why does she not act on her 'gut instinct'? Is our own 'gut instinct' often a good guide for us on how we should behave or react?
- What responsibility do we have towards a friend's feelings and wellbeing? Do you think Bianca was aware, or cared about how vulnerable Mel was feeling without her top on?
- How could Mel have responded differently towards Bianca's suggestion? Does Mel's response to this incident impact on her confidence during the party?

### Key Moment 2:

**The reaction of party guests to Reece's film of Krystal in the toilet.**

- Do you think Reece knew it was wrong to take a film of Krystal in the toilet? If so, why then did he take it? What pressures might he have been under?
- There are several different responses from the party guests upon seeing the film. What would be the most respectful thing that anyone could do?
- What do you think you would do if placed in this situation?
- How do you think this incident could impact on Krystal?
- What are the legal implications of taking the film and sending it out to others?



### Key Moment 3:

When Nick closes the door behind him after following Mel into the bedroom.

- We do not know what goes on behind the bedroom door, but do you believe Nick's interaction with Mel leading up to this scene has been respectful?
- Give examples of his behaviour that indicate the respect (or lack of respect) he has shown for Mel?
- What do you think is likely to happen between Mel and Nick in the bedroom? What are other possibilities that could happen?

After participants have considered the possible options for what may occur between Mel and Nick, explain the following options and discuss related questions.

1. **Sexual assault occurs. Nick decides to touch or have sex with Mel without her consent**
  - Do you think Nick believes his behaviour is OK?
  - What may have led Nick to thinking that this behaviour is OK?
  - What are the legal implications for Nick?
  - What could Mel, Nick, Cody, Bianca or others at the party have done to avoid this happening (short or long term)?
  - What do you think might be the impact on Mel? If Mel experienced a sexual assault, where could she go for support?

2. **Consenting sex occurs. Mel says yes to sex with Nick, but she really didn't want to.**

- Why might this occur?
- What pressures might Mel be under?
- What could Mel, Nick, Cody, Bianca or others at the party have done to avoid this happening (short or long term)?

3. **Nick realises Mel is not interested in sex. He respects her decision.**

- What impact would this have on the future of the relationship?
- How may Nick and Mel be feeling?

4. **Consenting sex occurs. Nick and Mel agree to have sex and there is no pressure.**

Was there any indication in their previous interactions that this would be the likely outcome?

### Summing up:

Within all relationships every person has the right to feel safe, and have their privacy respected and be treated with respect.

Peer pressure can significantly impact on a person's capacity to make their own choices or to treat others with respect.

Peer pressure can increase a person's vulnerability, and can also place pressures on them to take unnecessary risks.

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## Activity 2

### Understanding Consent

Consent lies at the very heart of safe, healthy and respectful relationships. Importantly, consent is also a fundamental requirement for lawful sexual behaviour, and it is an important legal instrument for protecting young people against sexual abuse, exploitation or manipulation.

Use the **Consent Fact Sheet** to answer the following questions:

- What does consent mean?
- Why is consent important?
- What is the age of consent in the ACT? (or in your State or Territory)
- In what types of situations are people deemed unable to consent to sexual activity according to the law?
- How could a person go about giving and seeking consent?

Acknowledge that checking for consent can be tricky, especially when people are just getting to know each other and might be feeling nervous. Help the group identify the following elements:

- Consent can be expressed verbally or with body language
- Consent is about knowing what you and your partner want and being clear about each other's boundaries
- Sexual activity can make people feel nervous or awkward when talking about it; this is normal

- Pressuring people into sex is morally wrong and against the law
- A person does not have to physically resist to demonstrate that they did not consent
- It is the responsibility of the person seeking consent to be 100% sure that the other person wants to be sexual
- If a person is silent, looking away or crying, then something is not right
- Be respectful, don't push things

### Summing up:

Consent means freely and voluntarily agreeing to have sex, or to engage in other sexual behaviours such as touching, kissing or fondling.

In the ACT both people must be at least 16 years of age to have capacity to give consent.

Having sex or sexual activity with a person who is not consenting is a serious criminal offence. The maximum penalty for having sex with someone under 16 years of age is 17 years in prison.

Consent must never be assumed e.g. because a person said yes before, or because they have a reputation for having had sex in the past, or because they are acting or dressing in a way that someone thinks is sexy.

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## Activity 3

### Sexual Assault Explained

Sexual assault is a term that is used to refer to a number of criminal offences involving sexual behaviour that makes a person feel uncomfortable and threatened, and to which the person has not consented.

Young people, girls and women are most vulnerable to this type of criminal offence.

Using the fact sheets **What is Sexual Assault?** and **Sexual Assault Law** answer the following questions:

- What is sexual assault?
- What criminal offences are considered sexual assault?
- Can you think of beliefs and values present in today's society that some people may think justify or excuse sexual violence?
- Where, or in what circumstances, might we see these values represented more frequently?
- What could be the legal consequences of sexual assault?
- What might be the social consequences of sexual assault?

### Summing up:

Sexual assault is both an abuse of power and criminal behaviour. It can attract serious legal consequences. There is no excuse for sexual assault, and a victim of sexual assault can never be blamed for the assault. People who commit sexual assault are 100% responsible for their actions. Intoxication (e.g. being drunk or under the influence of drugs) is not a defence to a charge of sexual assault.

## Activity 4

### Mobile phone and online safety

Mobile phones and online social networks are increasingly being used by young people as vehicles to develop intimate relationships and explore sexuality. This is a normal aspect of growing up.

However, these same communication tools are also being used to sexually exploit, harass and bully people. Young people need to be aware that using phones in this manner not only exposes them to many safety risks but can also constitute criminal offences.

People who produce, store and share sexually explicit photos of young people under the age of consent (16 in the ACT), or who appear to be under the age of consent, can be charged with a criminal offence under child pornography laws, even if those young people had agreed to have their photos taken.

Use the **Sexting and Online Safety** fact sheet to answer the following questions. Refer your class to the events in the film which allude to using phones in this way.

- What are the risks of taking and texting sexual photos of yourself or other young people?
- What are implications of this type of behaviour for people's safety and privacy?
- Do you think peer pressure plays a role in this type of behaviour?
- Why do you think laws prohibiting the production of sexualised material of children and young people are important?



## Summing up

Taking, storing or sending sexualised pictures of young people, or yourself, can constitute criminal offences under Territory and Commonwealth child pornography legislation. Think carefully before you take or send photos of yourself or of your friends even if they agree. If anyone sends such a photo to you, delete it immediately and report it to a parent or teacher if you feel this is necessary.

Remember that people who are found to be in possession of sexualised images of young people will be investigated by police and may be charged with a criminal offence.

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For further information about Trusted Moments or to book a legal education workshop for your school community or organisation please visit [www.legalaidACT.org.au](http://www.legalaidACT.org.au) or contact Legal Aid ACT of Youth Law Centre ACT on [www.youthlawact.org.au](http://www.youthlawact.org.au)

For free and confidential legal advice over the phone or by appointment call 1300 654 314

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