

A FACTSHEET ABOUT SEXUAL ASSAULT LAW

Sexual assault is a serious trespass on one of the most fundamental rights that a person can have. The physical and psychological impact of sexual assault on people can last for many years and also can affect families and entire communities.

The law of rape and sexual assault is complex and technical. Each State and Territory in Australia has its own laws dealing with sexual assault offences, which include rape, indecent assault and sexual activity with people who are under the age of consent.

The information contained here is about the laws applicable in the ACT, which you can find in the *Crimes Act 1900* (ACT) in Part 3.

This fact sheet is to provide you with some basic legal information. If you need specialised legal advice or support, you are encouraged to contact Legal Aid ACT, or a legal aid service in your State or Territory.

THE LAW: THINGS YOU NEED TO KNOW

- The laws of sexual assault apply equally to men and women
- Children as young as ten years old can be charged with a criminal offence
- It is against the law to have sex with a person under the age of consent (16 in the ACT), even if they agree
- Having sex with a person without their consent, or after they have stopped consenting, is rape
- Touching or fondling someone without their consent, or after they have stopped consenting, may constitute indecent assault
- Consent can be withdrawn anytime, even in the heat of the moment
- Forcing someone to have sex with another person is a crime

- Grooming a person under the age of consent for the purpose of sex or sexual gratification is a crime. This also applies to online or phone grooming
- It is unlawful for an adult to have sex with a young person under their supervision who is under 18 years of age
- Taking, sharing or posting sexualised photos or videos of yourself or other people under the age of consent may be a crime under child pornography laws
- Producing and distributing photos or videos of people engaged in private acts (e.g. having a shower, in the toilet) without their consent may constitute a criminal offence.

REMEMBER

Keep informed about the law so that you know where you stand. If you need support or advice, speak to a trusted adult. For confidential legal advice, please call Legal Aid ACT, Youth Law Centre ACT, or a legal service provider in your State or Territory.