



Let's talk about consent

Consent means the right to choose

We all have the right to choose whether or not we want to kiss, touch, or have sexual activity with someone else. Sexual activity includes sex, kissing or touching.

Consent means you can't assume someone else has agreed

Communication is everything when it comes to consent. Your partner has to do or say something to communicate their consent. Just because they haven't said no doesn't mean they consent. You need to check in.

Communication is also important during sexual activity. Just because someone has consented to one thing, doesn't mean they have consented to everything. Someone can also change their mind and withdraw consent at any time.

The best way to make sure everyone is agreeing and feeling good about what's happening is by checking in with your partner.

Asking someone directly is the best way to make sure they feel safe and comfortable.

Some checking in ideas might be:

- "Is this okay?"
- "Can I kiss you?"
- "Do you want to try ___?"
- "Want me to keep going?"
- "How does that feel?"
- "What do you want to do next?"

Consent has to be free and voluntary

When people give their consent to sexual activity, it has to be freely and voluntarily given.

There are situations where people can't consent, even if they say yes, because they can't freely choose. This might happen if they are:

- heavily affected by drugs or alcohol
- unconscious or asleep
- manipulated or threatened into consenting
- under 16, this is the age of consent in NSW

The law in NSW

Consent is important so that everyone is safe, comfortable and free to choose when to have sexual activity with someone. But it's also important because sexual activity without consent can lead to some very serious charges under NSW law.

These are some of the laws that you need to know about:

• Sexual Assault

Sexually penetrating another person without their consent.

Sexual penetration is anything that involves a body part, such as a penis, finger, or tongue or an object touching a vagina, anus or mouth and includes penetration to any degree.

Maximum penalty – 14 years imprisonment and possible child protection registration.

- **Sexual Touching**

When someone deliberately touches or makes physical contact with another person in a sexual way without their consent. For example, touching a person's breasts, bottom, or genitals, whether clothed or not.

Maximum penalty – 5 years imprisonment and possible child protection registration.

- **Sexual Act**

When someone does a sexual act in front of another person without their consent. For example, someone exposing their genitals to another person.

Maximum penalty – 18 months imprisonment and possible child protection registration.

Getting help

If you are under 18 and the police want to talk to you about something they think you have done wrong, you can call the **Legal Aid NSW Youth Hotline** on **1800 101 810**.

If you'd like to talk to someone because this factsheet has raised issues for you, these are free services you can contact:

Kids Helpline

1800 55 1800

www.kidshelpline.com.au

1800 Respect

1800 737 732

www.1800respect.org.au

NSW Sexual Violence Helpline

1800 424 017

www.fullstop.org.au

Full Stop Australia

1800 385 578

www.fullstop.org.au

Q-Life for (LGBTIQA+ young people)

1800 184 527

www qlife.org.au

LawAccess NSW

1300 888 529

www.lawaccess.nsw.gov.au