

Trusted Moments

A short film for teenagers about risky behaviour.

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Legal Services
Commission
OF SOUTH AUSTRALIA

Mobile Phones and Online Safety Fact Sheet

Mobile phones, the internet and social networks have changed the way we communicate, share information and learn about the world around us. Staying in touch with family and friends via text or social networks are some of the many advantages of today's communication technology.

However, mobiles phones and online social networks are also increasingly being used for bullying and harassment, and for producing and sharing sexualised images and videos.

These are issues that particularly affect young people, and put them at risk of victimisation and sexual exploitation, or alternatively, going to court charged with a criminal offence.

What is 'sexting'?

Sexting is a term that refers to taking and sending sexual images of yourself or of other people via text or email, and includes posting sexualised material on the internet or social networks.

Are sexualised images against the law?

In South Australia, producing, sharing or collecting sexualised images of young people who are, **or look as if they are** under 17, may constitute child pornography.

Each State and Territory in Australia has its own laws dealing with the sexual exploitation of young people. There is also Federal law designed to stop people from using internet

and mobile phone providers to download, post or share sexualised images of children.

People found guilty of child pornography charges by a court of law can face serious legal consequences. If you are not in South Australia, find out about the laws in your State or Territory by contacting your local legal aid agency.

Remember

Think carefully before you decide to take and send sexual images to other people, especially if you feel under pressure to do so.

If an image or film is sent to your phone or email:

- do not keep it. Delete it straight away
- do not pass it on or post it
- if you know who sent it, tell them to stop
- if they continue to send you images, speak to a trusted adult or police.

Never send on an image or film that someone has sent to you in trust. Be respectful.

If you keep material that may be considered to be child pornography in your phone or on your computer, even if you did not ask for it, you can still get into trouble with the law.

The law relating to these areas can be complex. If you are unsure about the matter, seek advice and support. You can contact the Legal Service Commission SA or your local legal aid agency for confidential legal advice.

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Consent Fact Sheet

The age of consent for sexual activity in South Australia is 17. This means that people who are 17 can legally consent to sexual activity. It also means that it is unlawful to have sex with a person under 17, 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 might be feeling nervous. The safest way to make sure there is 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 all sexual activities
- 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 necessarily want sex
- people think you should do it, 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 their consent is sexual assault.

If you need further information or support please speak to a trusted adult. For confidential legal advice, contact the Legal Services Commission SA, or a legal aid office in your State or Territory.

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What is Sexual Assault? Fact Sheet

Sexual assault refers to any sexual behaviour that makes a person feel uncomfortable, frightened or threatened, and to which the person does not consent.

Criminal offences such as rape, unlawful sexual intercourse (sex with people under the age of consent) indecent assault, trying to obtain sex through threats and false pretence, and child pornography are forms of sexual assault.

Depending on the offence, sexual assault can result in hefty legal penalties such as imprisonment, and registration as a sexual offender. A criminal record for sexual assault can seriously affect a person's relationships, career and work options and travel prospects.

Why does it occur?

Sexual assault is an ongoing social problem that continues to affect many people. Sexual assault occurs because of long standing cultural norms and beliefs that tend to support or justify sexual objectification and violence.

All forms of sexual assault are an abuse of power, occurring when someone takes advantage of another person's vulnerability. It is important to remember that being vulnerable does not make the victim responsible for the sexual assault. The victim is never to blame.

Reasons that may increase a person's vulnerability include:

- being young or having a disability
- experiencing peer pressure
- being intimidated, scared, or nervous
- being isolated from friends or family
- being intoxicated

Statistics on reported sexual assaults across Australia show that young people aged 10 to 24 years are the group most affected by sexual assault. Statistics also show that 85% of victims are female.

However, a significant number of sexual assaults are never reported, and only a small proportion of sexual assault cases brought before the courts result in convictions.

Sexual assault is indeed one of the hardest crimes to prove in court, as it is often a case of the word of the victim against that of the alleged offender. The fact that about 60% of sexual assaults occur in domestic settings, perpetrated by someone known to the victim, account for this reality.

What you can do

You can become part of the solution to the problem of sexual violence by helping to change the attitudes, behaviours and stereotypes that lead to sexual objectification and violence. Learning about your legal rights and responsibilities will also help you know where you stand. It is also important, if you feel that it is safe to do so, that you offer support to friends who need it.

Remember

If you need help, there are number of services providing specialised services. Approach your school or a trusted adult to help you identify the services which are most helpful to you. For legal advice contact the Legal Services Commission SA, or a legal aid service in your State or Territory.



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Sexual Assault Law Fact Sheet

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 South Australia, which you can find in the *Criminal Law Consolidation Act SA 1935* under Division 11.

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 the Legal Services Commission SA, 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 (17), 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 the Legal Services Commission SA or a legal service provider in your State or Territory.