



**Legal
Services**
Commission
South Australia

SEX, CONSENT & THE LAW

Many people will be interested in becoming sexually active. It is important that people understand their legal rights and responsibilities when it comes to sexual activity – so they can keep themselves and others safe.

What is consent?

Anytime you do anything sexual with someone, from touching and kissing to sexual intercourse, you must both be consenting from beginning to end.

Consent must be free and voluntary. It also means taking responsibility for ensuring the person you're with is comfortable doing whatever sexual things that are occurring.

If someone is manipulated, threatened or forced into sexual activity, or they are so intoxicated that they don't know what's going on, they cannot consent. Never assume someone is consenting because they have said yes at other times.

Age of consent

In SA the age of consent is 17. This means that it is unlawful to have sex with someone under 17, even if they agree. In situations involving sexual relations between adults and young people under their supervision, the age of consent is 18. The law about consent can be complex, please seek support and advice if you are unsure.

What does consent look like?

Checking in and making sure there is consent can seem tricky, especially if you are just getting to know someone and might be feeling nervous. The safest way to make sure there is consent is to talk about it with each other and look for body language.

Things you can say

“what do you feel like doing?”

“would you like to...?”

“is this ok?”

“do you want to keep going?”

If you have experienced sexual assault or you are unsure about whether you consented, seek advice and support.

Body Language

Are they involving themselves or enjoying it as much as you are? If they are silent, still, looking away or crying – then something is not right.

Be respectful – don't push things.

Just because.

- someone consents to kissing, doesn't mean they consent to take things further
- you want to go further, doesn't mean the other person has to
- you had sex with them before, doesn't mean they want to do it again
- someone is flirting with you, doesn't mean they want sex
- you brought them drinks all night, doesn't mean they consent to sexual activity.

Support services

Legal Services 1300 366 424

Free and confidential legal advice over the phone or by appointment.

Yarrow Place 1800 817 421

24/7 rape and sexual assault crisis centre.

1800 RESPECT 1800 737 732

National sexual assault, domestic and family violence counselling service.

With Respect 8300 5300

Free family, domestic and sexual violence counselling service for LGBTQIA+ people.

Police 131 444

To report a crime. If you need immediate assistance, call 000.

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

Remember

Sexual activity is meant to be mutually enjoyable. Never pressure someone to do something they don't want to do.

Consent cannot be assumed. Always check, talk about it, and look for body language.

You can withdraw your consent at any time... even in the heat of the moment.

Being sexual with someone without their consent is sexual assault.

What is sexual assault?

Sexual assault refers to a number of criminal offences including rape and indecent assault, unwanted sexual behaviour (such as touching or kissing) and child exploitation material. Sexual assault is a social problem that affects many people. Committing sexual assault can lead to imprisonment and registration as a sexual offender. A criminal record for sexual assault will seriously affect your career, work and travel prospects.

All forms of sexual assault are an abuse of power. This is when someone take advantage of another person.

The victim-survivor is never to blame.

Sexual assault can happen to anyone...

There is no excuse for sexual assault.

No one has the right to expect sex.
Everyone has the right to
EXPECT RESPECT!

What about photos and films?

Using a phone or the internet to take, store, post or send sexually explicit images or films of young people under the age of 18 can lead to serious legal consequences for everyone involved.

Think carefully before you take, send or post photos or films of yourself or other people, even if they agree. The law in these areas can be complex. If you are unsure, seek advice and support. You can contact Legal Services for free and confidential legal advice.

**Remember the law,
be safe, be sure!**



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