

Sexual activity and consent

Young people and the law



Sexual rights and responsibilities

Many people are or become interested in sexual activity. We all have sexual rights and responsibilities. We have the right to decide when, where and with whom we would like to be sexual.

We do **not** have the right to be sexual with someone if we are not sure that they are into it. We must be sure that the people we are sexual with actively consent to any sexual activities done together.

What is consent?

Every time you do anything sexual, from touching and kissing to any other form of sexual activity, everyone involved must consent from start to finish.

Consent means **free** and **voluntary agreement**. Consent means only doing something because everyone involved really wants to. There is no consent if anyone is feeling pressured, obligated, or unsure. There may not be consent if someone is drunk or affected by drugs.

People might consent to one thing, but not to others. People might consent to begin with, and then change their mind. That is their right. If you are not sure whether the other person wants to keep going but you keep going anyway, you commit a crime.

How to check for consent

There must be consent throughout the sexual experience and for each and every act. You must not assume someone consents because:

- they have said yes before
- they have said yes to other things
- they have a certain reputation
- they dress or act in a certain way
- they have not said no.

People can show sexual consent through **words** or **actions**. If you are getting mixed signals, or you are unsure whether someone consents, it is your responsibility to stop what you are doing.

Check with **words** by asking:

- What do you feel like doing?
- Would you like to ...?
- Is this okay?
- Do you want to keep going?
- How does this feel to you?

Check their **actions**:

- Does their body language show you that they are into it?
- Are they showing enjoyment?
- Does their body language match what they say?
- Are they actively involved?

Age of consent

In South Australia, the age of consent is **17**. It is illegal to have sex with someone who is 16 years old or younger, even if they agree.

This is the law for anyone of any age. If you are 17 and your partner is 16, you cannot lawfully engage in sexual activity until you are both 17 or older.

If you are both under 17, it is up to the police to decide what to do if sexual activity between you is reported. The police will consider:

- the ages of the people involved
- the nature of their relationship
- the circumstances of the sexual activity
- whether there is a power imbalance.

For a person in a position of power or authority over someone under 18, the age of consent is **18**. A person who is 17 or younger cannot consent to sex with a person in a position of authority, such as their:

- teacher
- step-parent
- boss
- sports coach
- religious leader.

Sexual assault

Sexual activity without consent is **sexual assault**. This is a serious criminal offence with serious penalties including prison. Unwanted sexual behaviour and sexual harassment is never okay.

While sexual activity **without** consent is a crime, sexual activity **with** consent is more enjoyable, satisfying, respectful and fun for everyone involved.

Support services

Police 131 444

For non-urgent police assistance and to report a crime

Legal Services Commission 1300 366 424

Free and confidential legal advice

Yarrow Place 1800 817 421

24/7 sexual assault crisis centre

1800 RESPECT 1800 737 732

24/7 sexual assault, domestic and family violence counselling service

With Respect 8300 5300

Family, domestic and sexual violence counselling service for LGBTIQ+ people

Legal help for all South Australians

1300 366 424 Legal Helpline



Prefer to text?

Use our Legal Chat at lsc.sa.gov.au