

Sexual Consent

People find consent a difficult thing to understand, but it really is quite simple. We give and ask for consent daily, and sexual consent is no different.



WARNING: SOME OF THE INFORMATION IN THIS FACT SHEET MAY BE DIFFICULT TO READ. PLEASE TAKE YOUR TIME AND FIND ASSISTANCE IF YOU FEEL YOU NEED TO.

Sexual consent is a conversation we all need to have before being sexual or touching another person. If you are not hearing an enthusiastic ‘yes’, then it is a no.

When you and your sexual partner both want to and say yes to having sex – or doing other sexual things – with each other, that is known as sexual consent. To be consensual, both people need to say ‘yes’ – not saying ‘no’, is not consent. Not saying anything, is not consent. The only thing that can be taken to be sexual consent is a verbal and enthusiastic ‘yes’. Any sexual contact that takes place without both parties wanting it to and both parties saying yes is sexual abuse.

To be able to say yes (or consent) to sexual activity:

- Both people need to be old enough (in Tasmania the legal age for consent is 17 years of age).
 - Nobody can freely consent to sexual activity if they are unconscious, asleep, drunk and/or drugged.
 - Consent must be freely given. This means that if someone tricks, forces, or threatens you to have sex, you have not consented. It is sexual assault.
 - Consent cannot be coerced. If someone manipulates you, begs, pushes, or otherwise makes you say yes (or feel like you have to say yes) when you want to say no (and might have even actually said no), it is not consent. It is sexual assault.
- Anyone can take back their consent at any time – even during the middle of intercourse. It does not matter if you have already started – if someone says ‘no’ you must stop. If you do not stop when they say to, this is sexual assault.
 - “No” is not always verbal. People may give non-verbal signs that they want to stop instead of saying the word ‘no’. For instance, they may turn away, push you away, push your hands away or not respond to your touch. The only consent is a verbal ‘yes’. If you do not stop when they are showing you that they want you to, this is sexual assault.
 - Consent is only given for the sexual act that it was asked for. For example, you might say yes to having sex vaginally. This does not mean you have said yes to having sex anally. This does not mean you have said yes to oral sex. You must continue to ask for consent before every sexual activity, even if it is at the same time as the first sexual activity. Before doing anything new, ask. If you do not ask, or you do ask and they say no, that is not consent. That is sexual assault.

Young People and Sex:

In Tasmania, as with the rest of Australia, there are different rules regarding sex and consent for people aged under 18 years old. This is because sexual assault is about an imbalance of power and when you are young you generally have less life experience and this makes it easier for adults to manipulate you into doing things that are outside of what you know, want, or expect. This imbalance of power means that older people, simply because they are older, have more knowledge about sex and are more able to make decisions about what they want sexually. It is generally easier for an adult to make a young person do things that the adult wants them to do, and it is generally harder for a young person to say 'no' to an adult because of this.

The Tasmanian specific laws for young people consenting to sex are:

- If you are 17 years of age or over, you can consent to have sex with anyone else that is over the age of 17 years – unless they are in a position of power over you, such as your teacher or your doctor.
- If you are aged between 12 and 15 years old, you are not allowed to have sex or be sexual with anyone, and nobody can be sexual or have sex in front of you, if they are 3 years or older than you – even if you want to and you say 'yes' – if the person does have sex with or in front of you, they are committing a crime.
- If you are aged between 15 years and 17 years of age, you cannot have sex or be sexual with someone, and nobody can be sexual or have sex in front of you, if they are 5 or more years older than you. Even if you say 'yes' – the person is committing a crime.
- If you are aged under 12 years you cannot have sex or be sexual with anyone. Nobody can be sexual or have sex in front of you. The law says that you are too young to consent. If someone has sex with you, or is sexual with you, they are committing a crime – even if you say that you want it to happen.

Further Information

Yemaya Women's Support Service

P: (03) 6334 0305

E: admin@yemaya.com.au

Please note that all information contained within this fact sheet is to be used as a guide only. If you require further information or assistance please contact Yemaya Women's Support Service.