

# Consent



## Introduction

Understanding and practicing consent is a fundamental aspect of engaging in respectful and safe interactions with others. By educating yourself about consent, individuals are better equipped to foster healthy and respectful relationships, ensuring a safer community for all.

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## Consent and asking for consent - Make sure it's a YES!

Under NSW law you must seek consent from someone for any and all sexual activity.

This includes all forms of sex, kissing, hugging/touching, giving or receiving head,

sending sexual pictures or videos, or anything else that is considered sexual.

Consent should be clear, enthusiastic, and certain. It should sound like:

- Yes!
- That feels great!
- Absolutely!
- I want to keep doing this
- I'd like to try...
- Yes, you can do that
- Yes, I'd like to do that
- Yes, please more!
- OMG yes!
- This is so good!
- Yes, keep touching me there!
- That feels good!
- OMG that feels sooo good!

*Consent is non-negotiable in sexual situations. This means you MUST have a CLEAR yes from the other person BEFORE you do anything sexual - every time.*

## **So how do you ask for consent?**

Communication is key to good sex. Communicating lets you both explore what you want and what you're interested in trying, and means you can both easily give feedback if something feels great or if it isn't really doing it for you.

It's important to feel safe and comfortable when it comes to sex or any sexual act. Making sure you have consent from your sexual partner is the most important part of this.

Talk about what you'd like to do and be clear. Everyone has the legal right to choose what they do and don't want to do in a sexual situation. You can ask:

- 'Would you like to have sex?'
- 'Hey, I'd love to kiss you, is that okay?'

- 'Can I hug you?'
- 'Do you like this?'
- 'Can I touch you here?'
- 'Show me how you would like me to touch you'
- 'Do you want to have sex?'
- 'Wanna try reverse cowgirl?'
- 'What are you in to?'
- 'Do you want me to take this shirt off?'
- 'Does this feel good?'

## Body language

Consent must be verbal. Body language can be a useful tool to reinforce consent, but cannot be relied on as consent alone.

Some examples of non-verbal cues that may indicate your partner is comfortable with what's happening include:

- reaching out to touch you in ways that you like
- smiling and making eye contact
- bending their body towards you
- working with you to remove clothing

Some examples of non-verbal cues that may indicate your partner is uncomfortable include:

- freezing up
- tension in their body
- stillness or lack of response to what you're doing
- bending away from you instead of towards you
- turning their face away or avoiding eye contact

If you think your partner is showing signs of discomfort or hesitation, you need to stop and ask "Hey, are you OK with this? We can stop whenever you want."



## **Respecting boundaries and checking back in**

Be respectful of your sexual partner/s boundaries, they may want to do one thing but not be okay with another - you cannot pressure them into saying yes to doing something. When someone consents under pressure, that is manipulated consent and is a crime.

Check back in with your sexual partner to make sure they are still feeling great about what's going on. Consent is an ongoing part of sex.

Even if your partner consented before you started having sex, you still need their consent in the moment.

Remember it's not a 'yes' until it's a 'hell yes!' - 'Maybe' or any uncertain verbal or physical cues around sex is a NO.

Unsure? Just ask 'do you want to...' or 'are you okay with this?' Let your partner know you can stop at any time.

Someone can change their mind at any time and just because they said yes once doesn't mean that they consent to having sex again.

*Only YES means YES. Consent must be mutual, freely given, and informed. To consent, the person needs to know what is going to happen, and not be intimidated or pressured into saying 'yes'.*

## **When it's not consent**

Having sex or performing any sexual act **without consent**, from sending unsolicited nude photos to sexual touching or penetrative sex, is sexual assault and is a very serious crime.

- **Don't assume** someone is giving consent just because they don't say 'no' – this does not mean they are saying 'yes'. Consent must be an actively given YES.
- **Flirting is not consent.** If you believe someone is showing interest in you, or you are showing interest in someone, this does not mean that you have to have sex with them or that they are consenting to having sex with you. You need to ask for clear consent to do something sexual, and if they say no or are indicating that they are no longer interested – then that's a 'NO'.
- **Consent is a conscious decision.** Someone must be conscious and able to make informed decisions to consent. If someone is too intoxicated to properly consent, then it is a NO. Someone who is asleep or passed out is not able to consent, and doing something sexual to someone under these conditions is a very serious crime.
- **If someone changes their mind**, even if you have begun having sex, it means they no longer give consent and continuing to have sex when someone has changed their mind and no longer wants to have sex is sexual assault and is a very serious crime.
- **Consent every time.** Even if you have had sex before, or if you are in a relationship where you frequently have sex or perform sexual acts – you need to get consent every time.

## **What is the difference between sex and a sexual**

## act?

Sex or sexual intercourse is defined as 'any penetration of a person's genitalia or anus by any part of the body of another person or any object, or any kind of oral sex'.

But a sexual act is broader and can include things like:

- Penetrative sex - when a person puts their penis, fingers or another object inside another person's vagina or anus.
- Oral sex - a person using their mouth to touch another person's genitalia, breasts, or anus.
- Sexual acts that involve touching - like touching someone's genitals, anus, or breasts over the clothes or under the clothes. For example, stroking, grabbing, hand jobs or fingering, and kissing
- Sexual acts that don't involve touching - like masturbating in front of another person, sending or receiving sexual pictures or videos (nudes or sexting), or encouraging a person to do a sexual act.
- All of these things are considered sexual acts.

## What is sexual assault?

Sexual assault is any kind of sexual act that you don't agree to. Sexual assault is when someone forces, threatens, tricks, or manipulates you into doing something sexual when you don't want to, if you don't give consent, or are unable to give consent (like if you are intoxicated).

In NSW it is a crime for someone to:

- Have sexual intercourse (which includes any penetration of the anus or female genitalia) with you, without your consent.
- Sexually touch you or force you to sexually touch another person, without your consent.
- Do some other kind of sexual act with or towards you, without your consent.

The age when someone can legally consent to doing something sexual is 16 years old. If you are under 16 you cannot legally consent to doing something sexual.

It is against the law for a person over the age of 16 to have sex or behave in a sexual way towards someone under the age of 16. The crimes covered in these laws include:

- Having sexual intercourse with a child or young person who is under the age of 16.
- Attempting to have sexual intercourse with a child or young person who is under the age of 16.
- Sexually touching or undertaking any sexual act with a young person who is under the age of 16.
- Grooming a child or young person who is under 16 – this might include showing sexual pictures or images, telling sexual stories, giving alcohol or drugs or paying money to try and make it easier to do sexual activity with that young person.

These are very serious crimes.

A person over the age of 16 cannot have any sexual interaction with someone under the age of 16, because that young person is not legally able to consent.

Consent is not a defence to these crimes unless the similar age defence applies. For more information about this defence, see [Youth Law Australia's page on sex](#).

## **If you have experienced sexual assault**

If you have experienced a sexual act where no consent was given or where you withdrew your consent but the person kept going – that is sexual assault and is a serious crime.

If you think you may have experienced sexual assault, it can be hard to talk about, and you have a right to care and support.

We encourage you to speak to someone when you feel able to. You can speak to a youth worker, a doctor, a friend you trust or an adult you trust.

You can also speak anonymously to safe and supportive services that are trained in helping people who have or may have been sexually assaulted.

## Resources

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You can contact any of these help lines to speak privately to someone who is trained in supporting victims of sexual assault:

- [NSW Sexual Violence Helpline on 1800 424 017.](#)
- [LGBTIQ+ Violence Service: available 24/7 for anyone from the LGBTIQ+ community whose life has been impacted by sexual, domestic and/or family violence. Phone 1800 497 212.](#)
- [1800RESPECT\(1800 737 732\) for 24 hour free and confidential support or you can chat to them online.](#)