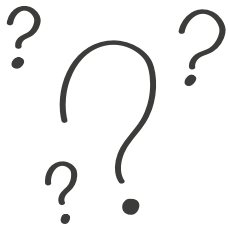


# FACTSHEET

## Consent, age and the law



### What is consent?



**Generally, consent means getting permission to do something.**

This is important in many different types of everyday situations. For example, you should ask for someone's permission before borrowing something or before posting a photo of them on social media. Consent to sexual experiences is no different.

According to the NSW Department of Communities and Justice, sexual consent is an ongoing and freely given agreement between two (or more) people who are engaging in any type of sexual activity together.<sup>1</sup>

**Sexual activity refers to any activity that involves sexual contact that may induce or lead to arousal. It includes:**

- sex (vaginal, oral and anal)
- using sex toys
- masturbating alone or with a partner(s)
- phone sex or 'sexting'
- kissing
- reading or watching porn.
- rubbing your bodies together

### What is the age of consent in NSW?

**In NSW, a young person who is aged 16 and older can legally consent to having sex.** It's important to know that age of consent varies between Australian states.<sup>2</sup>

Young people often express their sexuality earlier through behaviour like kissing, sex or other types of sexual activity with their peers as part of their sexual development. It is important young people know about consent, bodily autonomy and their rights so that they are able to have healthy, enjoyable and safe relationships and experiences with others.

# FACTSHEET

## Consent, age and the law



### When can someone not give

**consent?**



**Consent can only be given without any pressure, coercion or force.**

This means it has to be given freely and voluntarily by each person. Importantly, consent is an ongoing agreement and can be withdrawn at any point. This means that it can be given at the start of sexual activity, but revoked or taken away throughout. A person might also give consent to kiss, but not to do anything else.

A person does not consent to a sexual activity unless they say or do something to communicate consent. A person also does not consent if they are forced, blackmailed or intimidated to participate in the sexual activity, if they are asleep or unconscious, or if they are affected by alcohol or drugs that they are incapable of consenting.

**Remember:**

- just because someone has given consent in the past, it doesn't mean that they agree to doing it again
- a person can change their mind and withdraw consent at any time
- consent to one type of sexual activity is not consent to other kinds of sexual activity.

### Who needs to know about

**consent?**

**It is important to talk about consent with everyone regardless of age, diverse gender identities, sexual orientations and abilities.**

When someone consents to something, it means they understand what's happening, and agree that they are happy with that choice. Everyone should understand consent so they can set personal boundaries but also respect other people's boundaries. This can help make sex a mutual, safe, happy and enjoyable experience for all.

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Consent, age and the law



## Why is talking about consent important?



**Talking about consent with young people is essential for their safety, empowerment and to support them to foster respectful relationships.**

When young people know about giving and receiving consent, it helps prevent sexual assault, raises legal awareness, and promotes healthy, respectful, safe and enjoyable experiences and relationships. Talking about consent encourages people to set their own personal boundaries and to respect other people's.

## Mandatory reporting

### reporting



**When discussing consent and sex with young people it is important to remember to provide information within the scope of your role and follow mandatory reporting requirements.**

Mandatory reporting in NSW requires professionals and individuals in roles working with children and young people to report harm or concerns about a young person's safety, welfare, or wellbeing, particularly concerning situations related to sex and consent. Refer to the [Mandatory reporting guide](#) for more information.

When engaging in conversations about sex and consent it is important to let young people know about your legal obligations for mandatory reporting and limits to confidentiality. Sometimes, discussing consent and sex may lead to disclosures from a young person. It is important to ensure they are safe, provide support and follow mandatory reporting requirements. For more information, check out Play Safe Pro's [Trauma informed care guide](#) for more tips on discussing consent and sexual health with young people using a trauma informed approach.

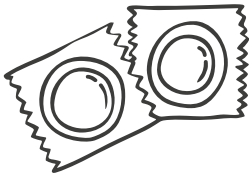
# FACTSHEET

Consent, age and the law



## Providing sexual health and education

consent



**There are no restrictions on providing developmentally appropriate sexual health education to children and young people of any age.**

Information on consent should be provided in an age-appropriate way to support young people to learn and navigate different types of relationships. Discussing consent and sex does not encourage people to have sex. In fact, it leads to:

- delayed age of first sexual experience
- increased knowledge about relationships
- increased knowledge of safe sex practices
- increase uptake of safe sex materials (contraception and condoms).

## Ways of approaching conversations about

consent?



**As a professional working with young people, you have an important role to support young people to understand consent laws and empower them to build healthy relationships.**

When talking about sexual health and consent you should maintain a sex positive attitude, be open-minded and provide a safe non-judgmental environment. It is important to be aware of your own attitude and be open-minded to others' opinions and experiences when discussing consent.

### You can:

- introduce consent as a concept in everyday interactions. For example, discuss scenarios such as borrowing an item from a friend.
- talk about the different ways a person may express consent and ask for consent. For example, body language, verbal communication and actions.
- use everyday moments or examples from movies and TV to get conversations started.
- ask young people what they already know about consent and let them be the expert. Ask what consent looks like to them and if they can explain it to you.

# FACTSHEET

Consent, age and the law



## Resources

Want to know more about consent and having consent conversations with young people? Check out the following resources:



**Relationship resources and counselling:**  
[1800RESPECT](#)



**Sexual assault and abuse helplines:**  
[Health Direct](#)



**Tips for talking about consent:**  
[Raisingchildren.net.au](#)



**Legal support:**  
[Youth Law Australia](#)



**Talking about sexual health guide:**  
[Play Safe Pro](#)



**Sexual health training:**  
[Sticky Stuff](#) | [The Nitty Gritty](#)



**Online resource for young people:**  
[Play Safe](#)



**Guide to sexual health and relationships:**  
[The Low Down](#)



**Navigating consent, sex and relationships tool:**  
[Family Planning NSW - Body talk](#)

## REFERENCES

1. Department of Communities and Justice, New South Wales Government. Sexual Consent. Available from: <https://www.dcj.nsw.gov.au/children-and-families/family-domestic-and-sexual-violence/sexual-violence/sexual-consent.html>
2. Age of Consent Resource Sheet, Institute of Family Studies, Child Family Community Australia, [aifs.gov.au/cfca/publications/age-consent-laws](https://aifs.gov.au/cfca/publications/age-consent-laws)
3. United Nations Educational Scientific and Cultural Organization, UNAIDS, United Nations Population Fund, UNICEF, UN WOMEN, World Health Organization. International technical guidance on sexuality education: An evidence informed approach. Geneva, Switzerland: 2018