

YOU CAN TALK TO A  
LAWYER FOR FREE AT  
TASMANIA LEGAL AID

To get free legal information call **1300 366 611** or use the Legal Talk chat from the bottom right-hand corner of our website. Legal Talk and our phone lines are available Monday to Friday, 9am to 5pm.

**A lawyer can:**

- listen to your story and help identify the next steps you can take.

## ? What is consent?

Consent means agreeing to something. For someone to do this they must be old enough to understand what it is they are giving consent to. To say 'Yes' they must be free to also say 'No' - therefore, someone cannot be pressured into giving their consent.

Someone cannot freely consent if they are drunk, drugged, unconscious or asleep. It is also not consent if they are forced, tricked or threatened into having sex. If you have sex with someone who is unable to freely consent, this is sexual assault, which is a serious crime.

Anyone can withdraw their consent at any time - it doesn't matter if you've already started to have sex. If one person isn't into the sexual activity, then you have to stop.

## ? How can I tell whether someone consents?

You need to know that the person you are with consents to what you are doing.

Watch out for non-verbal signs that the person you are with is not consenting to what you are doing. Non-verbal signs can include things like turning away, pushing your hand away, "freezing up" or not responding to your touch. You commit a crime if you touch someone in a sexual way and they don't want it - whether they've actually said 'no' or not.

You can ask questions like these to make sure the person you are with is consenting:

- "Does this feel good?"
- "Are you happy if I continue?"
- "Please tell me if you want to stop or change what I am doing?"

## ? Am I old enough to have sex?

It is a crime to have sex with a person under the age of 17. But you might have a defence if you are a similar age and both of you consent.

There are different laws in each state about how old you have to be before you can have sex. You could be charged if you have sex with someone who is outside the legal age of consent.

In Tasmania:

- If you're under 12, a person can't have sex with you, touch you sexually or perform a sexual act in front of you, even if you agree. The law says you're too young to consent to sex
- If you're between 12 and 15 years old, a person can't have sex with you, touch you sexually or perform a sexual act in front of you if they are more than three years older than you, even if you agree
- If you're 15 years or older, a person can't have sex with you, touch you sexually or perform a sexual act in front of you, if they are more than five years older than you, even if you agree
- If you're 17 years or older you can consent agree to have sex with anyone else 17 years or older.