

# Sex and consent

Year 9-10

NSW

Module [1/1]

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<https://www.surveymonkey.com/r/teachlaw2>

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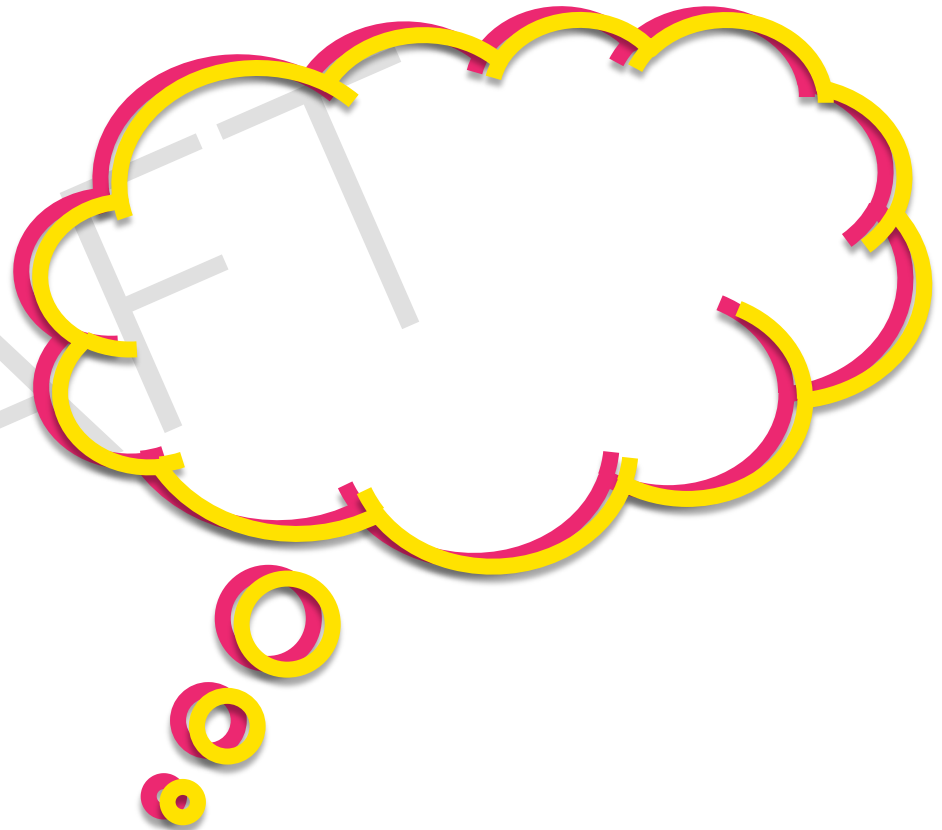
What the law says

Healthy relationships

DRAFT

# Class activity

What words,  
definitions or laws do  
you associate with  
“age of consent”



# Definitions

Word	Definition
Consent	Free and voluntary agreement (note there are a number of factors that might stop someone from being able to give consent)
Sex	when a penis, finger, object or any part of a person is partially or fully inside another person's vagina or anus ("penetrative sex" or "sexual intercourse"); or any kind of oral sex.
Age of consent	The age of consent (which is different to consent generally) is the legal age a person must be before the law says they can consent to have sex with another person.
Position of care or authority	A special relationship where one person has authority, care or supervision over you, such as a doctor, teacher, step-parent, foster parent, sports coach, music tutor etc

**NO MATTER YOUR AGE, IT IS ALWAYS ILLEGAL FOR SOMEONE TO TRY AND FORCE YOU TO ENGAGE IN ANY KIND OF SEXUAL ACTIVITY WITHOUT YOUR FULL CONSENT (FREE AND VOLUNTARY AGREEMENT).**

# What the law says

In NSW, the age of consent is **16 years old**. There is an exception that will apply to someone aged 14 or 15 years old who has had sex. If you are 14 or 15 years old, you can legally consent to have sex with another person who is *less than two years older than you (in other words, the person is not more than 729 days older than you)*.

This age is raised to **18 years old** if the older person is in a position of care or authority over the young person. There is an exception that will apply to someone aged 14, 15, 16 or 17 years old who has had sex with someone in a position of care or authority over them. If you are 14, 15, 16 or 17 years old, you can legally consent to have sex with another person who is *less than two years older than you (in other words, the person is not more than 729 days older than you)*.

**Source:** section s 66A, s 66C Crimes Act 1900, s 73s 80AG (NSW)

# Other things to think about

- Having an open discussion about what you both want (consent)
- Understanding the risks of unwanted pregnancy or having unsafe sex
- Talking to a counselling/support service e.g. 1800MYLINE or Family Planning NSW
- Checking what the law says if you are ever unsure about something by visiting [yla.org.au](http://yla.org.au)



# Class activity

Pretend your school's SRC has decided to run a campaign called "health week" to educate their peers on different issues they might face, including drug use, drinking and sex. Your class has been asked to create a campaign around the age of consent and sexual health.

Your task is to create a campaign or presentation and present it to your classmates. You may wish to create an A4 flier, a poster, a powerpoint presentation or other creative format (e.g. a website, video, series of infographics, social media posts etc).



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# Summary

- Consent means free and voluntary agreement. There are some scenarios when consent cannot be given.
- The age of consent is the legal age you can agree to have sex.
- In NSW, the age of consent is unless one person is in a position of care or authority over the other person. In this case the age of consent becomes 18.
- There are legal exceptions to the age of consent if *long as you are above 14, and they are less than two years older than you.*
- It is important to consider the risks involved in having sex and to discuss these with your partner before agreeing to do anything.

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