

TEACHERS MATERIALS

MODULE: SEX AND CONSENT – NSW – YEARS 9-10

Thank you for your interest in TeachLaw! We hope that these materials are relevant and helpful to your students in educating them on their legal rights. For any correction or questions, please e-mail Youth Law Australia at admin@yla.org.au and include the word “TeachLaw” and the name of the module in the subject line.

TeachLaw Modules contain 3 parts – Teacher materials, Student materials and a PowerPoint presentation. Please note the PowerPoint is provided in PDF to preserve formatting. To present, please open using a PDF viewer, go to View > Enter Full Screen and use the arrow buttons to navigate.

This document is divided into 3 parts

Part 1: Background information – this section contains briefing notes to provide you with information on what the law says.

Part 2: Lesson notes – this section contains suggested speaking points, timings and important notes about the presentation.

Part 3: Student activities – this section contains the suggested class activities and answers to any student handouts.

Curriculum links

- 1 PDHPE (Year 11 & 12) – Module 1: Growth and Development – “1.11 Demonstrates understanding of possible consequences of a range of sexual activities and knows how to seek advice or assistance if necessary”

Learning Objectives

- 1.1 Students define the terms “consent”, “age of consent”, and “sexual intercourse”
- 1.2 Students identify the age of consent in NSW
- 1.3 Students identify what defences are available to young people
- 1.4 Students apply relevant laws to factual scenarios to identify possible outcomes
- 1.5 Students understand their rights and responsibilities when engaging in sexual activity

Part 1 – Background information

1. INTRODUCTION

Young people may find navigating laws on sexual activity in NSW confusing. This module is designed to explain the different laws on sexual **intercourse** and how they apply to young people so that they can make informed decisions about engaging in sexual intercourse. It is noted that this module is not designed to replace seeking professional advice. Young people who are considering engaging in sexual intercourse should speak to a professional to understand the health and legal consequences for engaging in sexual activity. Please note this module does not cover other kinds of sexual activity or behavior.

The laws in NSW around the age of consent are designed to protect young people from the harm that they may experience from being taken advantage of when engaging in sexual intercourse.¹ Age of consent laws recognise that in some cases (e.g. due to age or a person's position of authority) full consent cannot be given due to the imbalance of power.

Young people are encouraged to understand the consequences of engaging in sexual activity at different ages, and know where to turn for help if they are unsure if something is safe or legal.

2. DEFINING CONSENT

Consent is defined as “full and voluntary agreement”.² It is against the law for a person to engage in sexual activity with another person if they do not give their consent. To understand when and how consent must be obtained, the following scenarios have been constructed. In each scenario, Person A is considered to be the person trying to engage in sexual activity, and Person B is considered to be the person who Person A is intending to engage in sexual activity with. The following laws of consent also apply to a situation where Person A tries to make Person B have sex with a third party.

Scenario 1: Actual knowledge³

It is unlawful for Person A to engage in sexual activity with Person B knowing that they have not given consent.

¹ <https://www.parliament.nsw.gov.au/researchpapers/Pages/the-age-of-consent.aspx>

² s 61HE(2) Crimes Act 1900 (NSW)

³ s 61HE(3)(a) Crimes Act 1900 (NSW)

Scenario 2: Reckless knowledge⁴

It is unlawful for Person A to engage in sexual activity with Person B in a way that is reckless to the possibility that they have not consented.

Scenario 3: Reasonable basis⁵

It is unlawful for Person A to engage in sexual activity with Person B if they have no reason to believe Person B has given consent.

Scenario 4: Mistaken belief⁶

It is unlawful for Person A to engage in sexual activity with Person B, knowing they have only given consent due to a mistaken belief.

In deciding whether or not consent has been obtained, the Court will consider what steps Person A took to determine if Person B gave consent.⁷ Person A cannot use self-induced intoxication as an excuse for not taking reasonable steps to obtain consent.⁸ Also, Person A cannot use a lack of physical resistance by Person B as proof of consent.⁹

In addition to the above, consent cannot be given in the following circumstances:

- If Person B does not have the capacity to consent due to age;¹⁰
- If Person B does not have the capacity to consent due to cognitive understanding¹¹ e.g. if they have an intellectual disability, developmental disorder, neurological disorder, dementia, severe mental illness, or a brain injury that causes them to require supervision or access to services to enable independence (known as “social habilitation”);¹²
- If Person B is asleep or unconscious;¹³
- If Person B is forced to have sex with Person A due to a threat of force, fear¹⁴ or because they are being kept against their will;¹⁵

⁴ s 61HE(3)(b) Crimes Act 1900 (NSW)

⁵ s 61HE(3)(c) Crimes Act 1900 (NSW)

⁶ s 61HE(7) Crimes Act 1900 (NSW)

⁷ s 61HE(4)(a) Crimes Act 1900 (NSW)

⁸ s 61HE(4)(b) Crimes Act 1900 (NSW)

⁹ s 61HE(9) Crimes Act 1900 (NSW)

¹⁰ s 61HE(5)(a) Crimes Act 1900 (NSW)

¹¹ s 61HE(5)(a) Crimes Act 1900 (NSW)

¹² s 61HD Crimes Act 1900 (NSW)

¹³ s 61HE(5)(b) Crimes Act 1900 (NSW)

¹⁴ s 61HE(5)(c) Crimes Act 1900 (NSW)

¹⁵ s 61HE(5)(d) Crimes Act 1900 (NSW)

- If Person B has a mistaken belief about the identify of Person A,¹⁶ mistakenly believes they are married to Person A,¹⁷ or mistakenly believes that the sexual activity is necessary for health or hygiene reasons;¹⁸ or
- If Person B is tricked into engaging in sexual activity through a mistaken belief about the nature of the sexual activity.¹⁹

Finally, Person B might use one of the following reasons to demonstrate that they did not give consent:

- they were substantially intoxicated by drugs and/or alcohol;²⁰
- they were intimidated, coerced or threatened in some other way than by force;²¹ or
- Person A used their position of power or trust to force Person B to engage in sexual activity.²²

These three reasons are different to the scenarios listed above as, in these cases, it is up to Person B to *prove* that they did not give consent for one of these reasons, whereas in the above scenarios, consent is *automatically assumed* to be negated²³.

3. DEFINING SEX

In NSW, different laws apply to different kinds of sexual activity. This means that what a young person might not consider to be “sex” might be classified as sex according to the law. For this reason, it is important to understand the different terminology in use.

“Sexual intercourse” is defined as the penetration of any part of a body of one person (known as Person A), or an object manipulated by Person A into another person’s vagina (including a surgically constructed vagina) or anus (known as Person B). Sexual intercourse also includes oral sex e.g. if any part of the penis of one person (known as Person A) is introduced into the mouth of another person (known as Person B), or performing oral sex on a female’s genitalia.²⁴ **This module deals only with this kind of sexual activity.**

“Sexual touching” is when one person (known as Person A) touches another person (known as Person B) in a way that would be considered sexual. It includes when Person A touches

¹⁶ s 61HE(6)(a) Crimes Act 1900 (NSW)

¹⁷ s 61HE(6)(b) Crimes Act 1900 (NSW)

¹⁸ s 61HE(6)(c) Crimes Act 1900 (NSW)

¹⁹ s 61HE(6)(d) Crimes Act 1900 (NSW)

²⁰ s 61HE(8)(a) Crimes Act 1900 (NSW)

²¹ s 61HE(8)(b) Crimes Act 1900 (NSW)

²² s 61HE(8)(c) Crimes Act 1900 (NSW)

²³ s 61HE(5),(6),(8) Crimes Act 1900 (NSW)

²⁴ s 61HA Crimes Act 1900 (NSW)

Person B with any part of their body, or anything else, including if Person A or B are wearing something over the top of where they are being touched.²⁵ To determine if something is sexual, the following things must be considered:

- if the touching involved a person's genitals, anal area or breasts;
- if the touching was done to obtain sexual arousal or gratification; and
- the circumstances of the touching.²⁶

A "sexual act" refers to an act other than touching, but may be considered sexual due to the area involved in the act (i.e. genitalia, anal area, breasts,), the reason for the act (i.e. sexual arousal or gratification) or the circumstances of the act.²⁷

It will not be considered sexual intercourse, sexual touching or a sexual act if it was carried out for proper medical purposes.²⁸

4. AGE OF CONSENT

The age of consent is the age at which the law says a person can legally agree to engage in sexual intercourse. If an adult tries to engage in sexual intercourse with someone under the age of consent, they have broken the law.²⁹

In NSW, the age of consent is 16 years old.³⁰ There are a few exceptions to this rule, and defences are available to two young people under the age of 16 who freely agree to engage in sexual intercourse with each other. These are outlined under B. DEFENCES below.

A. POSITION OF CARE OR AUTHORITY

Whilst the age of consent is 16 years old, this will change if one of the two people have a position of care or authority over the other. If Person A is in a position of care or authority over Person B, it is illegal for Person A to engage in sexual intercourse with Person B until they are 18 years old³¹.

Examples of care or authority relationships include if Person A is:

²⁵ s 61HB(1) Crimes Act 1900 (NSW)

²⁶ s 61HB(2) Crimes Act 1900 (NSW)

²⁷ s 61HD Crimes Act 1900 (NSW)

²⁸ s 61HA(a), s 61HB(3), s 61HC(3) Crimes Act 1900 (NSW)

²⁹ s 66A- s 66DE Crimes Act 1900 (NSW)

³⁰ s 66A- s 66DE Crimes Act 1900 (NSW)

³¹ s 73, s 73A Crimes Act 1900 (NSW)

- a parent, guardian, step-parent or authorised carer to Person B or is the de facto partner of Person B's parent/guardian/authorised carer;³²
- a teacher or staff member at the school where Person B is attending school;³³
- a religious leader, sporting coach, musical tutor or other kind of coach, tutor, leader or instructor to Person B;³⁴
- a custodial officer and Person B is an inmate;³⁵
- a health professional and Person B is their patient.³⁶

B. DEFENCES

Even though the age of consent is technically 16 in NSW, if two young people are aged above 14 years old and less than two years apart in age, they can agree to engage in sexual intercourse with each other and will not be found guilty of breaking age of consent laws.³⁷ This also applies to situations where one person is in a position of care or authority over another person.³⁸

C. OTHER LAWS ON SEXUAL ACTIVITY

Below are some of the common laws governing sexual activity which young people should be aware of. This list is by no means exhaustive and if a young person is ever concerned they have broken the law they should speak to a lawyer immediately.

In NSW it is illegal to:

- have sexual intercourse with another person without their consent (including if a third party is involved);³⁹
- have sexual intercourse with a person under the age of consent⁴⁰ (unless a defence applies);⁴¹
- sexually touch another person without their consent (including if a third party is involved);⁴²
- sexually touch a person under the age of consent⁴³ (unless a defence applies)⁴⁴;

³² s 73(3)(a) Crimes Act 1900 (NSW)

³³ s 73(3)(b) Crimes Act 1900 (NSW)

³⁴ s 73(3)(c) Crimes Act 1900 (NSW)

³⁵ s 73(3)(d) Crimes Act 1900 (NSW)

³⁶ s 73(3)(e) Crimes Act 1900 (NSW)

³⁷ s 80AG(1) Crimes Act 1900 (NSW)

³⁸ s 80AG(1) Crimes Act 1900 (NSW)

³⁹ s 61I Crimes Act 1900 (NSW)

⁴⁰ s 66C Crimes Act 1900 (NSW)

⁴¹ s 80AG Crimes Act 1900 (NSW)

⁴² ss 61KC-61KD Crimes Act 1900 (NSW)

⁴³ s 66DB Crimes Act 1900 (NSW)

⁴⁴ s 80AG Crimes Act 1900 (NSW)

- perform a sexual act on another person without their consent (including if a third party is involved);⁴⁵ or
- perform a sexual act on a person under the age of consent⁴⁶ (unless a defence applies).⁴⁷

More serious penalties may apply if the sexual activity is done in a way that inflicts harm on someone else.⁴⁸

In addition to the criminal laws on sexual activity, there are additional laws that may apply in the workplace or at school that make it illegal to sexually harass another person. These laws fall outside the scope of this module.

For more information, check out YLA's page on sexual harassment [here](#).

There are also laws that govern the sharing of intimate or sexual images between young people. For more information, check out YLA's pages on sexting [here](#).

5. CONSEQUENCES FOR BREAKING THE LAW

There are legal outcomes for people who break the existing laws. These can include a criminal record and going to jail, as well as risk of registration on the NSW Child Protection Register (registration as a sex offender).

Some of the penalties for the relevant offences are listed below. Note that each case will have mitigating and aggravating factors specific to them that influence the penalties, as well as being influenced by relevant defences- such as the defence of similar age.

A. PENALTIES FOR SEXUAL INTERCOURSE AND ASSAULT OFFENCES⁴⁹

- Any person who has sexual intercourse with a child under 10 faces a maximum penalty of imprisonment for life. Any person who attempts to have sexual intercourse with a child who is under the age of 10 years or assaults them with the intent of having sexual intercourse faces a penalty of 25 years.
- If the child is aged 10 and under 14, the person is liable to 16 years imprisonment. This penalty is 20 years in circumstances of aggravation. (e.g. inflicted actual bodily harm,

⁴⁵ S 61KE Crimes Act 1900 (NSW)

⁴⁶ s 66DD Crimes Act 1900 (NSW)

⁴⁷ s 80AG Crimes Act 1900 (NSW)

⁴⁸ Pt 3, Division 10, Subdivision 2-7 (see aggravated) Crimes Act 1900 (NSW)

⁴⁹ s 66A- s 66DE Crimes Act 1900 (NSW)

offence committed in company, offender is in a position of authority, victim is physically or cognitively disabled or impaired etc.).

- If the child is aged 14 and under 16, the person is liable to 10 years imprisonment. This penalty is 12 years in aggravated circumstances.
- Any person who assaults a child who is 10 years and above, and under the age of 16, with intent to have sexual intercourse is liable to the relevant penalties above.

B. PENALTIES FOR SEXUAL ACT OFFENCES⁵⁰

- A person who sexually touches, incites sexual touching towards, or incites sexual touching from a child under the age of 10 years is liable to a maximum penalty of 16 years imprisonment.
- If the child is aged 10 or over, and under 16, the maximum penalty is 10 years imprisonment.
- A person who commits a sexual act, incites a sexual act towards, or incites a sexual act from a child under the age of 10 is liable to a maximum penalty of 7 years imprisonment.
- If the child is aged 10 or over, and is under 16, the penalty is 2 years imprisonment.
- In circumstances of aggravation, this penalty becomes imprisonment for 5 years.

C. PENALTIES FOR SEXUAL OFFENCES INVOLVING SPECIAL CARE⁵¹

- A person who has sexual intercourse with a young person who is under their special care and is aged 16 or above, but under the age of 17, is liable for imprisonment for 8 years.
- If the young person is or above the age of 17, but under the age of 18, the offender is liable for imprisonment for 4 years.
- A person who sexually touches, incites sexual touching towards, or incites sexual touching from a young person under their special care that is of or above 16, and under 17, is liable to 4 years imprisonment.
- If the young person is of or above 17, and under 18, the offender is liable to 2 years imprisonment.

By committing registrable offences, such as the above, a person opens themselves up to becoming a registered person on the NSW Child Protection Register. The consequences of this include being bound by reporting obligations, and many other restrictions on travel and other activities.⁵² There is legislation that allows for the discretion to treat child offenders as

⁵⁰ s 66A- s 66DE Crimes Act 1900 (NSW)

⁵¹ s 73, s 73A Crimes Act 1900 (NSW)

⁵² Child Protection (Offenders Registration) Act 2000 (NSW)

non-registrable if the person was under 18 at the time of the offence, is not a prior offender, is not subject to full-time detention or control order because of the offence, and does not pose a risk to children.⁵³ However, it is important to note that while there is discretion to make juvenile offenders non-registrable in some cases, this is not guaranteed.

6. SEXUAL HEALTH

Deciding to engage in sexual intercourse with someone is a big step. If a young person decides at any time that they do not want to continue, they have the right to say no and the other person **must** respect their choice. There are both physical and emotional risks in engaging in sexual intercourse. If a young person makes the decision to engage in sexual intercourse, it is important that they speak to a counsellor if they are concerned or they aren't sure if what is going on is healthy, or if it is impacting their emotional or mental wellbeing. Also, young people should be aware of the risks that are involved with unsafe or unprotected sex. These risks include:

- getting a sexually transmissible infection (STI) like chlamydia;
- getting a blood borne virus like HIV; or
- unplanned pregnancy.

7. SUPPORT SERVICES

Some of the reasons why young people might not speak to a lawyer include concerns about cost, the “seriousness” of the situation, the stigma of seeking legal help or because they don't realise their problems are legal. A lawyer can help a person to understand what the law says on a particular issue, and what the best course of action is to resolve the problem. For example, a lawyer could provide general information or advice, write a letter or other document, contact someone, start court proceedings, help talk to the police or interpret something. They can also help work out what option to fix a problem might be best based on money, time, effort and what the law says.

Fortunately there are many services available to young people for free. These services may offer specific help in a way that is convenient for young people including operating outside of traditional hours, offering online services, and allowing them to contact a lawyer without parental permission.

In addition, lawyers have a responsibility to keep client data and information confidential, so children can be assured that their parents/guardians/other people won't be informed about their issues.

⁵³ Child Protection (Offenders Registration) Act 2000 (NSW) s 3C



Legal

For free and confidential legal help, you can contact **Youth Law Australia**. They have free legal information at yla.org.au through their factsheets and personalised legal advice at lawmail.org.au.

The LegalAid **Youth Hotline** provides legal advice and information to people under the age of 18. Its business hours are 9:00 am - 12:00 am weekdays, with a 24 - hour service from Friday 9:00 am to Sunday 12:00 am. Call them on 1800 10 18 10.

Children can seek help from a **community legal centre** that helps adults. You can search for your local community legal centre from this website: www.naclc.org.au

LawAccess provides free information, advice and referrals on 1300 888 529, Monday to Friday from 9am to 5pm.

Counselling

For counselling support you can call the **Kids Helpline** on 1800 55 1800 for free and private counselling (available 24 hours a day, but there can be a wait to get through). They are happy to talk to young people aged 5-25 about anything that's troubling them or email them or chat online at <http://kidshelpline.com.au>.

eHeadspace provides counselling to young people aged 12-25 who are worried about their mental health or are feeling alone. Call them on 1800 650 890 from 9am to 1am or email them or chat online at: <https://www.eheadspace.org.au>.

Lifeline offers 24-hour crisis support and suicide prevention counselling on 13 11 14 to speak to a counsellor online from 7pm to 4am at: <https://www.lifeline.org.au/Get-Help/Online-Services/Online-Services>.

Relationship support

For family counselling support you can contact **Relationships Australia** for family counselling and mediation on 1300 364 277 or visit them at <https://www.relationships.org.au>.

Family Planning clinics provide sexual healthcare (safe sex) services and advice. Call **Family Planning NSW** on 1300 658 886 or visit them online at www.fpnsw.org.au

For relationship support contact **1800RESPECT** on 1800 737 732 or visit them at <https://www.1800respect.org.au>.

To speak to someone about relationship issues and what is or isn't ok, call **1800 MYLINE** (1800 695 463).

Other

The Office of the **eSafety Commissioner** is committed to increasing online safety and supporting people to feel protected online. As part of this, they can hear reports on cyber-bullying and help to get the offensive material taken down. They also have helpful resources and guides on what you can do to remain safe online. Visit them online at <https://www.esafety.gov.au/>

The **FairWork Ombudsman** can provide information and help on anything to do with employment e.g. working hours or pay rates. Call them Monday-Friday from 8am to 5.30pm on 13 13 94.

Part 2 – Lesson notes

Lesson details	
Duration	45 minutes – 1 hour
Classroom set up	Computer and Project Students should have their own devices (if this is not possible, please e-mail YLA at admin@yla.org.au for alternate lesson materials)
Materials	1 x Presentation (PDF) 1 x Teacher's materials – 1 copy for the teacher 1 x Student worksheet – 1 copy per student
Presentation details	There will be 19 slides in the presentation slide deck to support the delivery of this module. Slides may be printed and provided to students should they request supplementary information.

Slide and Timing	Speaking notes	Other notes
1 0.5 minutes	Today we will be completing a module developed by Youth Law Australia through their TeachLaw initiative on the topic of sex. Youth Law Australia provides free legal information and help to children and young people under the age of 25. They do this through providing information factsheets on their website and specific legal advice through their e-mail service. All of the information in this presentation was developed and checked by lawyers to explain what the law says and should not be taken as legal advice. If you want to know how the law might apply to a specific situation in your life, you can contact Youth Law Australia for more help.	Student will need to complete the survey on slide 3 - the survey is designed to be two-part with the first part being completed at the start of the lesson, and the second part being completed and submitted at the end of the lesson. Please emphasise to students that they should complete page 1 and then minimise their screen - <i>they should not exit the survey nor should they complete page 2 at the start of the lesson</i> . This survey is important in assessing students' preliminary knowledge, and could be used as a starting discussion question/diagnostic assessment. We require the survey to be completed so that we can assess the effectiveness of TeachLaw materials and make modifications as necessary. If you are unable to complete the survey online, please visit this page to download the paper survey.
2 0.5 minutes	You can find out more about Youth Law Australia's services through their website www.yla.org.au or through their social media.	
3 1.5 minutes	To begin this lesson, please go to the URL on the screen and complete the first page of the survey. Do not go to the second page as we will do that at the end of class. Once you have completed the survey, please minimise the browser but don't close the survey!	
4 0.5 minutes	The lesson today will cover the topics listed on the screen. I want to acknowledge that some of the content we cover in this lesson might be awkward, uncomfortable, hurtful or might remind you of something that you or someone you know has	



	<p>experienced and which could be upsetting to you. If, at any point in time, this content becomes too overwhelming, we can take a short break or you can put your hand up and ask to step out for a moment. This is a safe place and we should all agree not to talk about the issues that come up here with people outside of this classroom in a way that could make other people feel bad e.g. gossiping.</p>	
5	<p>What kinds of words or ideas do you associate with the word consent? What are some other words that could mean consent? [conduct brainstorming activity]. This is a great start. Now to continue to add to this mindmap, I want everyone to navigate to the Youth Law Australia website – yla.org.au, and see if you can find the page that relates to sex (encourage students to do this themselves rather than giving them the URL – they can use the search feature, or navigate through topics. The correct URL is: https://yla.org.au/nsw/topics/health-love-and-sex/sex/). Are there any extra things we need to add to our mindmap according to this page? [read out slide] Looking at this list, are there any factors that surprise you? Why? Out of the list of factors that might prevent someone from giving consent, select one and discuss with the person next to you why you think that factor should/shouldn't affect consent and what exactly that factor means. [class discussion]. We don't have time to go into each factor today, however if you refer to your handout there is more information about consent and each of these factors there.</p>	<p>You may consider reducing the number of discussion questions for the sake of time, and using the activity in slide 6 to enhance discussion. It is noted that consent is re-visited as a topic in 11/12 and given the focus of this presentation is on age of consent, it is not necessary for students to have a deeper understanding beyond consent being free and voluntary agreement. You will need to distribute Activity 1 so that students can complete it alongside Slide 6.</p>
6	<p>Now these laws might be a bit confusing, so I would like everyone to turn to the first activity on your handouts and we are now going to work through example 1 to work out whether consent was given in this scenario, and what your reasons are for that [class discussion]. Now, according to the factors on the previous page, Phillip tricked Alicia into getting drunk, and he knows that she is drunk and yet he still keeps going. This would suggest that Alicia was not in a position to give full agreement, and therefore this is an example of being intoxicated, and free and voluntary agreement not being given.</p>	
7	<p>[read slide] This definition means that the laws we are about to look at don't apply to kissing, dating, holding hands or other kinds of romantic behaviour.</p>	<p>The bulk of this slide's time should be focussed on the research task and encouraging students to conduct</p>



	If you have questions about other kinds of sexual behaviour, there are other laws that may apply and its always a good idea to speak to a lawyer or to have a look at the Youth Law Australia website if there is anything you want to know more about.	independent research to enhance their learning. Slide 8 corresponds with question 2 on activity 1.
8	We are now going to work through Example 2 on your handout [class discussion]. Now, according to the definition of sex on the previous slide, there must be some kind of penetration to be considered sex (including orally) for the purposes of the laws we are looking at. This means the laws on having under age sex would not apply to kissing.	
9	[read slide] these laws were designed to protect a person under the age of 16 from being taken advantage of by an adult and being forced to do something because of the age difference.	You may also draw the students attention to the sections of legislation here to indicate that these are criminal laws and criminal penalties may apply.
10	[read slide]	Slide 10 is designed to inform students on their legal rights. Whilst it may appear to be overly permissive, it is important that young people who may have had sex might be reassured that in limited situations it is unlikely they will get into trouble. It should be emphasised that young people get legal advice or take to a professional if they want to understand how the laws might apply to a specific situation or problem in their lives. Given the legal complexity of these laws, please avoid all scenario-based questions and encourage young people to check out yla.org.au or e-mail Youth Law Australia at lawmail.org.au
11	We are now going to work through Example 3 on your handout [class discussion]. Now, as we have seen in the previous slide, the age of consent law defences might apply here depending on the exact dates of birth of the girls. However, its worth noting that once Katie turns 16, it will be legal unless another law applies such as the ones we are about to look at.	
12	[read slide] Can anyone give me an example of a relationship where one person is in a position of care or authority over another person (e.g. a teacher, sports coach, music tutor, youth leader, scout leader, tutor, counselor, foster parent, health professional, youth worker, police officer etc.)	

13	[read slide] Similarly to the defence we talked about previously, there is a defence available in some cases when the laws about being in a position of care or authority apply.	
14	We are now going to work through Example 4 on your handout [class discussion]. Note the ages here – the closeness in age defences do not apply as Alex is more than 2 years older than Phillip. This means that it is illegal for Alex and Phillip to have sex, although dating and having a non-sexual relationship might be ok. If possible encourage students to think about what other issues there may be in this relationship e.g. if there are workplace policies about dating, and if there are other aspects of the relationship which might be illegal such as sexting.	
15	There are lots of different aspects of a relationship that you might need to discuss with someone if you decide to have sex. For example, understanding the risks attached to having unprotected sex including unwanted pregnancy, or the risk of disease.	<p>The main aim of this slide is to ensure that young people are aware that even if they decide to have sex, there are other issues that might need to be considered. We encourage young people to take an informed approach to any kind of risk-taking behaviour and to consider the same scenario from multiple angles e.g. legal, health, relational etc.</p> <p>The thing from this slide we want to emphasise the most is having the ability to have an open discussion – students should be encouraged to discuss what this might mean and what it might look like i.e. if you don't feel comfortable talking to your potential partner about the risks involved in having sex, what to do you keep yourselves protected or how far you are both ready to take things, it would be a good idea to wait until you are able to have that conversation.</p>
16	We are now going to work through the final example on your handout [class discussion]. Note the ages here – the closeness in age defences apply and Jeremy and Kaitlyn can have sex with each other. However, note that there are some additional considerations e.g. Jeremy being unsure if a condom makes the experience “less sexy” and the risks that	



	could be attached to unsafe sex here.	
17 1.5 minutes	To conclude please go back to the survey you minimised at the start of class and complete page 2 before hitting submit. Please then turn to the person next to you and share one thing you have learnt from today's lesson.	
18 0.5 minutes		This slide can be left on the screen whilst students complete their survey and discuss one thing they have learnt.
19		Please leave this slide on the screen during question and answer time.

Part 3 – Student activities

The answers to the worksheet are as follows:

1. According to the laws around consent, consent was clearly not given in this case as Phillip intentionally made sure Alicia was intoxicated and insisted on pursuing sex with Alicia despite knowing she was intoxicated.
2. Note the kind of sexual behaviour here – the age of consent laws do not apply as this does not involve penetrative sex.
3. Note the ages, and the missing information here - we know that Katie is 15 years old and Alannah is 17 years old but we do not know if they are less than 2 years apart in age. If they are, then the closeness in age defences do apply and they are able to have sex.
4. Note the ages here – the closeness in age defences do not apply as Alex is more than 2 years older than Phillip. This means that it is illegal for Alex and Phillip to have sex, although dating and having a non-sexual relationship might be ok. If possible encourage students to think about what other issues there may be in this relationship e.g. if there are workplace policies about dating, and if there are other aspects of the relationship which might be illegal such as sexting.
5. Note the ages here – the closeness in age defences apply and Jeremy and Kaitlyn can have sex with each other. However, note that there are some additional considerations e.g. Jeremy being unsure if a condom makes the experience “less sexy” and the risks that could be attached to unsafe sex here.