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AN INITIATIVE OF
YOUTH LAW AUSTRALIA

Youth Law Australia

Consent worksheet

Part 1 – Definitions of consent

Write down your best definition of consent	Copy down the definition of consent on the slide

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To understand when and how consent can 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.

Part 2 - Match the scenario to its example

Scenario 1: Actual knowledge

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

Jackson and Andrea have been together for ages and have always talked about how romantic their first time will be. They plan to be together on Valentine's Day. Jackson knows what Andrea wants so he doesn't bother asking her and proceeds to have sex with her. Afterward, Andrea is behaving very emotionally and Jackson assumes it's because it was so special and enjoyable.

Scenario 2: Reckless knowledge

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.

Cassandra and Blake are making out at a party on day and Cassandra performs oral Sex on Blake, assuming that's what she wanted – she never stopped to check and she doesn't even know if that's what Blake likes as she felt the "passion of the moment" take over and thought it must be what they wanted (especially since Blake didn't make much of an effort to move.

Scenario 3: Reasonable basis

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.

Billy knows that Kingston doesn't want to have sex, so he waits until he is asleep. While he is asleep, he proceeds to have sex with him.

Scenario 4: Mistaken belief

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.

Max and Drew are roomates. Drew gets home one day and finds his apartment covered in roses with Max's girlfriend, Betty lying on the couch blindfolded. Drew has always had a crush on Betty. She calls out for Max and Drew responds. He pretends to be Max and proceeds to have sex with her.

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Part 3 – Fill in the gaps by using the words in the word bank

In NSW, sexual assault, sexual touching and performing a _____ ___ on a person are all illegal if the alleged offender does so without the _____ of the alleged victim. A sexual assault occurs when any person has sexual _____ with another person, without the consent of the other person. Sexual touching means a person _____ another person in circumstances where a _____ person would consider the touching to be sexual (including if the touching occurs through _____). A sexual act occurs when someone does something in _____ that a reasonable person would consider to be _____.

In NSW, it is also illegal to use someone else's _____ _____ without their consent. This is known as _____ based abuse. Image based _____ is where someone takes, _____, shares, or _____ online a nude, sexual, or intimate image or video of someone *without their* _____, to humiliate, _____ or embarrass them. This could also include _____ to release someone's private photos or videos without their consent.

Word bank			
Consent	sends	permission	reasonable
sexual	clothing	intercourse	sexual act
shame	abuse	intimate images	touching
posts	threatening	image	circumstances

Part 4 – Consent campaign

Your task is to create an Instagram hashtag campaign that could be used to promote the idea of consent. You will create a short, creative hashtag and design an image/challenge/video that could be used to accompany the hashtag. You will describe the image/challenge/video that will accompany the hashtag but you will not need to create the image itself. Examples could include:

1. Posting up a photo of themselves wearing green with the tag #theresnogreenlighttogoiftheysayno
2. Posting up a "thinking face" selfie with the tag #itscooltoaskfirst
3. Posting a video of someone asking another person a yes or no question with the tag #itsnoayesiftheyreforced
4. Posting a group photo with the hashtag #friendsdontfriendssayyeswhendrunk
5. Posting a "pyjama selfie" with the tag #iftheyasleepdontbeacreep

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Summary of today's lesson:

- Consent to sex is full and voluntary agreement
- Consent can be negated by a number of different factors
- It is never okay to engage in any kind of sexual behaviour with a person without their full consent
- In some cases, the law says a young person cannot consent to sexual behaviour due to their age. In NSW, this is 16 for any kind of sex or sexting, and throughout Australia is this 18 for sexting

Helpful contacts

Legal	***Counselling***
For free and confidential legal help, you can contact **Youth Law Australia.** You can access free legal information at yla.org.au through their factsheets or access 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. You can call them on 1800 10 18 10. You may be able to get assistance from a **community legal centre** that helps adults. You can search for your local community legal centre from this website: www.naclc.org.au You can contact **LawAccess** for free information, advice and referrals on 1300 888 529, Monday to Friday from 9am to 5pm.	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. You can also 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. You can call them on 1800 650 890 from 9am to 1am. You can also 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. You can also speak to a counsellor online from 7pm to 4am at: https://www.lifeline.org.au/Get-Help/Online-Services/Online-Services.
Relationship support	***Other***
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. You can call **Family Planning NSW** on 1300 658 886 or visit them online at www.fpnsw.org.au For relationship support you can contact **1800RESPECT** on 1800 737 732 or visit them at https://www.1800respect.org.au. If you would like to speak to someone about relationship issues or if you're not sure about what is or isn't ok, you can call **1800** MYLINE (1800 695 463).	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. You can check 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. You can call them Monday-Friday from 8am to 5.30pm on 13 13 94.

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