

# Sexy Touching and Consent The Rules



This information sheet is an accompaniment to the **Sexy Touching – The Rules** video. The resources have been aimed at teens with intellectual disability or on the Autism spectrum, however they will be appropriate for wider audiences.

Faced by the lack of resources focusing on legal information for these vulnerable young people, the Murray Mallee Community Legal Service has developed two friendly and easy to follow videos for teens with an intellectual disability or on the Autism spectrum, on the topics of sexual consent and sexting.

### Empowering young people

Our aim is empower young people with legal knowledge to improve decision making and reduce their risk of becoming victims or breaking the law. This should reduce both legal intervention and presentation at sexual assault services.

The videos may not be appropriate for all young people with special needs however teachers, carers and parents will recognise when their teens are exploring relationships and sexuality and these tools may help to assist young people to understand the laws and promote further discussion. The terms used in the videos have been at the suggestion of teachers/support staff who work with young people in the target audience.

This video mentions the offences as sexual assault as this describes a range of sexual offences, from showing indecent images to another person, to kissing or touching them, as well as penetration of the person's body with a body part or object. It is any sexual behaviour that is not agreed to.

### Facts about sexual assault

Research by the Australian Human Rights Commission in 2014 found that 1 in 4 people who report sexual assault are people with disabilities and 9 in 10 women with intellectual disabilities have been sexually abused.

One of the most significant factors in the sexual victimization of individuals with intellectual disabilities is their lack of knowledge about acceptable behaviour. More specifically, they may have limited sexual knowledge around consent and what constitutes appropriate sexual contact. They can sometimes find it difficult to assert their own opinions and they may give in to the suggestions or directions given by others, particularly when expressing their sexuality.

### Challenges for young people with a disability

There were concerns that young people with an intellectual disability or on the Autism spectrum may unknowingly break the law and not be aware of the legalities of their behaviour. Although many of these young people may not be charged with offences, their activities are not victimless and are not without significant consequences for the young people concerned.

### Useful contacts with information and support:

If a young person has been sexually assaulted, please contact your local police station to make a report. It is very important that the young person receives support.

Listed below are some useful contacts.

<b>To find a community legal service in your area</b>	www.fclc.org.au/find_a_community_legal_centre	
<b>Headspace</b>	www.headspace.org.au	
<b>Kids Helpline</b>	www.kidshelpline.com.au	1800 55 1800
<b>Youth Law</b>	www.youthlaw.asn.au	(03) 9611 2412
<b>Sexual Assault Crisis Line</b>	www.sacl.com.au	1800 806 292
<b>1800RESPECT</b>	www.1800respect.org.au	1800 737 732



Phone 1800 243 002  
www.murraymalleelegal.com.au





### Important messages regarding sexual consent:

- Consent must be given freely by everyone involved every time – that means each person is OK with the sexual activity being considered.
- Consent cannot be given freely if someone is pressured or threatened.
- Consent cannot be given if the person does not understand the nature of the sexual activity.
- Consent can be withdrawn at any time.
- If someone said yes to some form of sexual activity in the past, it does not mean they give their consent to the same sexual activity again.
- Consent cannot be given if someone is asleep or so affected by alcohol, medication or drugs that they are unable to freely agree.
- Consent must be given every time.
- Even when people are in relationships, they do not have to consent to any sexual activity.
- Consent cannot be assumed to have been given if the person has agreed to one type of sexual act that turns into another type of sexual act that they hadn't agreed to.
- Just because someone doesn't say no, it doesn't mean it is a yes. If they are silent, look uncomfortable, scared or are trying to pull away, this may indicate that consent has not been given.
- If there isn't a clear Yes, the answer is No.



The information below complements the presentation to enable teachers, carers and parents to have a more detailed understanding of the laws.

Age of Consent in Victoria	
UNDER 12	It is NEVER ok to do anything sexual with a person under 12.
12-15	It is not ok if one person is 24 months older or younger than the other
16-17	It is not ok if the older person is in a position of trust, care or authority over the younger person.

It is not just about age – the other person must freely consent (agree) to anything sexual.



Note: The laws apply to all relationships whether they be friends or in an intimate relationship and apply to all sexual orientations and gender identities.