

*Still confused or want to know more?*



**FPWA Sexual Health Services**

70 Roe Street Northbridge WA 6003  
Phone 9227 6177

[www.fpwa.org.au](http://www.fpwa.org.au)

**Quarry Health Centre for under 25s**

7 Quarry Street Fremantle WA 6160  
Phone 9430 4544

[www.fpwa.org.au/services/quarry](http://www.fpwa.org.au/services/quarry)

**Sexual Health Helpline**

9227 6178/1800 198 205 (country callers)

**Youth Legal Service**

9202 1688/1800 199 006 (country callers)

[www.youthlegalserviceinc.com.au](http://www.youthlegalserviceinc.com.au)

**SARC (Sexual Assault Resource Centre)**

9340 1828 (24 hour Crisis Line)

1800 199 888 (freecall)

**Freedom Centre**

(FC provides a safe space, information, support and referral services for young gay, lesbian, bisexual, queer, transgender and questioning youth) 9228 0354

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# The Ins and Outs of

# Sex and the law



When it comes to sex, the law can be confusing. While not meant as the ultimate guide, this pamphlet will help you make sense of this complicated subject.

## The basics

According to WA law, sexual intercourse includes oral, anal and vaginal sex, as well as penetration of any kind.

Penetration is when:

- A body part of another person (eg finger) is put into the vagina (including the vulva) or anus
- An object controlled by another person is put into the vagina (including the vulva) or anus (WA Criminal Code).

The legal age to have sex in WA is 16 years old (this age varies between States). This applies to both guys and girls, whether you are straight or same-sex attracted.

For sex to be legal, both partners must always give consent. This means you must both agree without being pressured, forced or under the influence of drugs or alcohol. You must also both understand what you are agreeing to.

If you are under the age of 18, a person is not allowed to have sex with you if you are under their care, supervision or authority (even if you give consent) eg a teacher or sports coach.

### ***The girl I had sex with gave her consent and told me she was 16...turns out she's only 15. What happens now?***

If you had a reasonable belief the person was of legal age, and you are no more than three years older than that person, you may have a defence in a court of law. There is no defence for a person in authority to presume that someone is over 18 years.

## It is against the law to:

- Have sex with anyone under the age of 16 (even if they say 'yes').
- Have sex with someone who hasn't given consent (said 'yes' and understood what they are agreeing to).
- Take advantage of someone who has been drinking or taking drugs (if someone is 'out of it' or asleep, they can't give consent).

- Force, pressure, trick, threaten or bribe someone into having sex with you.
- Continue having sex with someone if they change their mind and ask you to stop.
- Have sex, masturbate or be naked in a public place.

### ***I had sex with my boyfriend last week and he's pressuring me to do it again, but I'm not sure if I want to...***

Just because you've had sex with someone before doesn't mean you have to again, and no-one should force or pressure you into doing something you don't want to. You can also change your mind during sex and ask your partner to 'stop' if things don't feel right.

## When it comes to sex you have the right to:

- Choose whether or not you want to have sex – take your time deciding, and don't feel pressured into doing something you don't want to. Even if you've had sex before with someone else you might choose not to with a new partner.
- Say 'yes' to sexual activities you feel comfortable with and 'no' to others you don't.
- Change your mind and say 'no' or 'stop' at any time.
- Insist your partner uses a condom or dam (a thin latex square held over the vaginal or anal area during oral sex). Condoms and dams help reduce the risk of sexually transmissible infections and condoms also protect against pregnancy.
- Talk to someone if you have experienced sexual assault (when someone has sex with someone who hasn't consented).
- Access confidential medical advice and treatment, as well as safe and effective contraception, regardless of your age.
- Enjoy yourself in a safe environment (as long as anything you do isn't against the law).

### ***Last night I got really drunk and had sex, but I don't remember saying yes...***

Taking advantage of someone if they are under the influence of drugs or alcohol is a crime, as they can't give consent. If you're having a big night, know your limits so you can make the same safe decisions that you would if you were sober. Sex without consent is assault, and help and support is available.