

Affirmative consent fact sheet

What is consent?

Consent is important for everyone, especially when it comes to sexual activity with other people. Consent makes sure that everyone involved, understands and agrees to the sexual activity that is happening. This includes ongoing discussions about boundaries, contraception, and the type of sex you will be having. Your boundaries and what you consent to is entirely up to you. It's okay to feel unsure and change your mind.

What does the law say about consent?

Affirmative Consent

There are consent laws in Victoria. They state that every person involved in sexual activity must actively seek and receive consent. The laws make clear that the absence of a no is not consent.

Both verbal and non-verbal signals must be taken into account. This includes body language, facial expressions and words. If you aren't sure, wait for another time.

Image-based abuse

Image-based abuse is the creation, sharing, or threat to share intimate images of someone without their consent. This includes AI generated images.

It includes content where someone is:

- Nude or partly nude
- Engaged in a private activity like going to the bathroom
- Not wearing attire of religious or cultural significance they would normally wear

Stealthing

Stealthing involves removing, altering, or not using a condom without a sexual partner's consent or awareness.

If sexual partners agree to use a condom and stealthing occurs, the terms of the agreement change. This means that there is no longer sexual consent under the law.

How can knowing these laws help me?

The law is there to protect young people can help you to make informed choices that are right for you. There are laws around consent and sex, and there can be serious consequences if you break these laws. You can talk to your local community legal centre if you are worried you might have broken the law, or if someone has harmed you.

Remember, it's important to talk about what you like, how you feel and what you want regularly and frequently. You don't need to wait until you're just about to have sex to have discussions about consent.

Ways to ask for consent

"Do you want to keep going?"

"Does this feel good for you?"

"Can I touch you here?"

"Can we try this?"

"What do you enjoy?"

Ways to give consent

Taking clothes off

"Yes!"

Leaning closer

"I love that"

That feels good

Not consent

"Maybe. I'm not sure."

Silence

Being asleep

"I don't like that"

Being confused

Feeling pressured

Being heavily affected
by drugs or alcohol

"Not right now"

Where can I go for more support and information?

- 1800RESPECT: 1800respect.org.au
- GenWest: genwest.org.au
- eSafety: www.esafety.gov.au
- Victoria Legal Aid: legalaid.vic.gov.au
- Youth Law: youthlaw.asn.au
- Your local community legal centre

