

Sexual consent and the law

Year Learning Activity

Description

Students analyse sexual consent and the law through practical scenarios and further develop an understanding of sexual diversity.

Learning focus

Sexual behaviour and the law.

Key understandings

- Adolescence is a period of dramatic physical, social and emotional change involving many new feelings and experiences.
- Sexual feelings are a normal part of adolescent change.
- Sexual activity has physical, social, emotional and legal implications.
- Individuals are responsible for the decisions and choices they make regarding their sexual behaviour.
- People have different attitudes, values and beliefs towards sex and sexuality.

Materials

1. Teaching Resource: *Consent scenarios* [one per group]

Teaching and Learning Activities

Before you get started

- Begin this lesson with a reminder for students to look after themselves and their friends. If students feel uncomfortable about the subject matter, they are welcome to take a break for a drink or bathroom visit. Ensure [ground rules](#) are established before beginning this activity.
- The purpose of teaching protective behaviours is to increase the safety and wellbeing of everyone in the community. The skills and strategies can be used by students to predict, assess and act appropriately in potential child abuse and family violence situations. Refer to the [Protective behaviours education](#) Guide for further information.
- Self-esteem and confidence of some students may be an issue during this activity. Be reassuring and support students as they develop the ability to practise assertive “no” statements. This will help students with their resilience and emotional wellbeing development. See the Guide: [Resilience and life skills](#) for more information.
- It is possible that a student has been involved in a traumatic experience relating to sexual abuse. Teachers should know and understand the [protective interrupting](#) technique and what, why, when and how it is needed and used before facilitating this activity. It is important that teachers are familiar with the Guides: [Dealing with disclosures](#) and [Sex and the law](#) and have a risk management strategy in place.

Sexual consent and the law

Year Learning Activity

Whole Class

Students develop an understanding of the definition of sexual consent and the importance of making informed decisions.

1. Discuss with students the difference between 'expectations' and 'laws' in regards to teenage sexual relationships. For example, an 'expectation' could be that boys are the ones to initiate sex; a 'law' is having sex with someone under 16 years of age is a crime.
2. Ask the students the following focus questions:
 - *What does 'consent' mean?* (Permission for something to happen or agreement to do something)
 - *What is consensual sex?* (Consensual sex is when both parties are of legal age, agree to engage in sexual activities, and have the freedom and capacity to make that choice)
 - *What do you think the legal age of consent in WA is?* (In WA if you are 13-16 years old it is illegal for someone to have sex with you, except in very limited circumstances. Once you turn 16 another person who has also turned 16 can have sex with you if you both agree to it. Having sex with someone under 13 years of age is a crime)
 - *Do you know any other laws about consent and sex with people under 18 years?* (For example: It is a crime to have a sexual relationship with someone under 18 years where there is a relationship of authority; for example, a teacher with a student or an employer with an employee. See the background notes on [Sex and the law](#) for further laws)
 - *Do these laws surprise you? Why/why not?*
 - *Why are there laws around the age of consent in WA?*
 - *How do the laws about consensual sex differ from the unwritten rules or expectations?*
 - *Do the unwritten rules and expectations around teenage sexual relationships vary with age, e.g. would your parents have different ideas about these rules or expectations?*
 - *Do these unwritten rules and expectations vary depending on where you are, e.g. at school, at a school dance, at a friend's place, at the park?*
 - *Do the laws about consensual sex vary with where you are?*

Sexual consent and the law

Year Learning Activity

- *Where do these unwritten rules and expectations around teenage sexual relationships come from?*
3. Stress that regardless of age, if someone has not given consent to sexual activity and it has taken place, it is a crime.
 4. Clarify students' understanding around consent if necessary.
 - Remind them that consent is about personal choice, making a personal decision and having the ability (e.g. not under the influence of drugs; not having a disability) and the right to say either 'yes' or 'no' and having their decision or choice respected.

Independent or Small Group

Students apply their knowledge of sexual consent to scenarios.

1. Provide each small group with a copy of the Teaching Resource: *Consent scenarios*.
2. Ask students to read the scenario they have been given, identify the key points, discuss whether the situation is consenting or not and identify a reason for their answers.

Reflection

1. Each group shares their scenario and their findings with the whole class. Discuss questions or concerns and clarify any inconsistencies as they arise.
2. Highlight the three important **legal** aspects of consent:
 - People must be of legal age to have sex (WA – 16 years of age)
 - People must be willing and want to have sex
 - People must be able to have sex (not on drugs, asleep or have a disability that affects their decision making skills).
3. Have students review the section on 'sex' on the [Youth Law Australia](#) website and write five things that they have learnt about the legal aspects of consent.
4. Students should be made aware that sex without consent is considered a crime. For support, people can contact the school psychologist, school nurse, the [Legal Aid WA InfoLine](#), [Aboriginal Legal Service of WA](#), [Sexual Assault Resource Centre](#) or the police.

[The practical guide to love, sex and relationships](#)

A teaching resource from the Australian Research Centre in Sex, Health and Society, La Trobe University.

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Topic 8 – Consent and the law

- Real-life scenarios for problem solving and decision-making
- Sexual assault
- Consent
- Rights and responsibilities

Related assets (links to sections within GDHR site)

Teaching Note

[Protective interrupting](#)

[Dealing with disclosures](#)

Background Note

[Sex and the law](#)

[Respectful relationships: Gender, power and consent](#)

[STIs and BBVs](#)

[Protective behaviours education](#)

Teaching Resources

[Consent scenarios](#)

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