

Sexual consent and the law

Year 9 or 10 Learning Activity

Time to complete

60 minutes

Description

Students analyse sexual consent and the law through real life scenarios.

Learning focus

WA Curriculum

Year 9

- Strategies are examined, such as communicating choices, seeking, giving and denying consent, and expressing opinions and needs that can support the development of respectful relationships, including sexual relationships, for example: investigating the Western Australian legal requirements in relation to seeking, giving, refusing and accepting the refusal of consent, and considering how these laws relate to relationships with friends, colleagues, strangers and intimate partners, in both online and offline interactions.
- Characteristics of respectful relationships, including: respecting the rights and responsibilities of individuals in the relationship.
- Impact of external influences on the ability of adolescents to make healthy and safe choices relating to sexuality.

Year 10

- Strategies are examined, such as communicating choices, seeking, giving and denying consent, and expressing opinions and needs that can support the development of respectful relationships, including sexual relationships, for example: reflecting on the potential impact of their own behaviour on others and the importance of taking responsibility for their own actions to ensure they do no harm to others
- Skills and strategies to promote respectful relationships, for example: appropriate emotional responses in a variety of situations.
- External influences on sexuality and sexual health behaviours, including the impact decisions and actions have on their own and others' health and wellbeing.

Key understandings

-  Consent is the free agreement to do something.
-  Sexual consent must be mutual, freely given, informed, certain, coherent, clear and ongoing.

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-  Sexual consent can be withdrawn at any time.
-  Sexual activity without consent is against the law (sexual assault).
-  The laws around sex and consent are there to help protect people from harm and abuse.
-  Understanding what consent is and the laws around consent is a foundation for respectful relationships and contributes to the prevention of sexual assault.

Materials

- Item belonging to another person in the class (e.g. pencil)
- Video: [Tea and consent](#) (2min 50sec video)
- 1 x Y chart for each group of 4-6 students (electronic, photocopy or butchers paper)
- 1 x Teaching Resource: *Consent scenarios student activity sheet* for each group (or individual)
- 1 x Teaching Resource: *Consent scenarios teacher answer sheet* (electronic or photocopy)

Before you get started

- Consider the timing of this lesson given the possible triggering content. It may be best delivered before a lunch break or at the end of the day so that students have time to process information before another lesson and have time to seek help if required. Be aware that discussing topics such as sexual consent and sexual assault can be upsetting for people as they reflect on their own experiences or that of people close to them.
- Liaise with the school health team (e.g. Community health nurse, school psychologist) to inform them of the content you will be covering in class. It may be helpful to have these additional adults in these lessons or on standby for any individual or small group work that may need to take place.
- [Protective interrupting](#) - Teachers need to know and understand how to use this technique to prevent students from potentially disclosing sensitive information or abuse in front of other students.
- [Dealing with disclosures](#) - Teachers must be aware of the school and legal procedures if a student discloses personal issues, particularly disclosures of sexual abuse.
- [Exploring my own values](#) - Consider your own thoughts, feelings, attitudes and values on this topic and be aware of how they may influence the way you present this activity. Be aware of your own self-care and support networks.

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- Preview [Tea and consent](#) (2min 50sec video) to determine suitability for your students. NB: There are a number of versions of this video online. Some contain expletives and some are spoofs of the video - please check that you have the correct video before use.

Learning activities

Group agreement and self care

Time to complete: 5 min

 **Teaching tip:** A group agreement must be established before any Relationships and Sexuality Education (RSE) program begins to ensure a safe learning environment. Read: [Essential information: Establishing a group agreement](#) for tips on how to create one and what to include.

1. Revise the class [group agreement](#).
2. Remind students that throughout the lesson they can write any questions down and add them to the question box at the end of the lesson (if they do not wish to ask them during the lesson). See [Essential information - Setting up a question box](#).

Trigger warning

3.  Say:

"This lesson covers the topic of sexual consent and sexual assault. These topics can sometimes be difficult for people. Please let me know if you feel you need to take a break from the room.

Before we start, let's check that everyone knows where to go for help if you want to check anything that this lesson raises for you."

4.  Ask students:

Who are some trusted adults you can talk to?

(Possible answers: parents, grandparents, teacher, older siblings, doctor, other family members, etc)

 **Teaching tip:** It is important not to *tell* students who their trusted adults are or should be. You can offer a list of suggestions of who they *might* be. For some students, some of the people you suggest, may not be people that are safe for them to talk to. Students should not be made to share their list of trusted adults publicly unless they wish to do so.

Who are some people at this school that you can talk to?

(Possible answers: class teacher, other teachers, school psychologist, community health nurse, youth workers, etc)

What services and online support is available?

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(Possible answers: [Sexual Assault Resource Centre \(SARC\)](#), [Kidshelpline](#), [Headspace](#), [GPs](#), [Sexual Health Quarters](#), [Beyond Blue](#), [Lifeline](#), [1800 Respect](#))

What is consent?

Time to complete: 5 min

5. Ask for a volunteer to bring an item belonging to them (e.g. a pencil) to the front of the class to model the following examples of consent/not consent.

Person 1: "May I borrow your pencil please?" Person 2: "Yes" (hands pencil) Person 1: (takes pencil)

"This is clear, affirmative consent."

Person 1: "May I borrow your pencil please?" Person 2: (no answer) Person 1: (takes pencil)

"Even though, I asked politely, I did not get consent. The absence of a 'no' is not a 'yes'."

Person 1: "May I borrow your pencil please?" Person 2: "No, sorry." Person 1: "Awww, come on. I let you use my pen last week". Person 2: "Errr, hmmm, OK I guess."

"Is this consent?" (*no, it has been coerced or pressured*).

Person 1: "May I borrow your pencil please?" Person 2: (nods head, smiles and hands pencil)

"Is this consent?" (*yes, non-verbal consent*)

"What if they weren't smiling and nodding?" (*unclear if consent has been given*).

"How could we check to make sure we have consent?" (*ask the person again, ask for clarification, not take the pencil until we are sure*).

"What if they let me borrow their pencil yesterday?" (*Not consent - consent has to be given on each occasion*).

"What if I took the pencil and used it to scratch under my armpit?" (*Not consent. It is unlikely the person understood what they were agreeing to*).

"What if I borrow the pencil and then they change their mind and want the pencil back?" (*consent has been removed and the pencil should be returned*).

6. 😊 Say:

"The same principles apply to consent in sexual situations. Consent must be certain, clear, informed, freely given, and it can be removed at any time. Consent is important for all people, of all sexualities and in all kinds of relationships. Consent is a fundamental part of respectful relationships. Now we are going to look at consent in more detail"

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Optional activity: Video - Tea and consent

Time to complete: 5 min

7. 😊 Say:

"We are going to watch a 3 minute video that uses drinking tea as an analogy for sexual consent"

8. Watch: [Tea and consent](#) (2min 50sec video)

9. 😊 Ask:

- What did you think about the video?
- What were the key messages of the video?

(Possible answers: *consent can be removed, you can't make someone consent, you can change your mind, it's ok to change your mind, unconscious people can't consent, consenting last week does not mean consenting this week*)

What consent looks like, feels like, sounds like

Time to complete: 15 min

10. Divide class into groups of 4-6 using [Grouping strategy: Birthday line up](#)

11. 😊 Ask:

- How difficult was it to line up without talking?
- How did you communicate your birthday to others?

(Using my fingers, wrote it down, pointed to a calendar /display in the room, etc)

- Were there any miscommunications?
- What would make it easier to check the non-verbal communication?

(Ask them, verbal communication, etc)

12. 😊 Say:

"Communication is vital for sexual consent. Consent and communication between sexual partners is the foundation for respectful, safe, mutual sexual experiences. It is everyone's responsibility to check that their sexual partners are enthusiastically consenting to any sexual activities. Let's explore some different ways that consent may be communicated."

13. Use [Teaching Strategy: Y chart](#) to explore what consent looks like, feels like, sounds like.

 **Teaching tip:** Depending on your classroom demographics, you may wish to have additional adults assisting with this activity or to do the activity as a whole class if you feel the class require closer guidance.

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Possible answers:

Looks like	Feels like	Sounds like
Kissing you back Touching you back 16 years and older Someone voluntarily taking their clothes off	Everyone involved wants to be there Pleasurable Not drunk or drugged Freely given (not pressured or coerced) Safe Them pulling you closer	Enthusiastic 'Yes!' "That feels good" "Keep going" "Sure" "Do it again" Clear! Continually checking in by asking: Asking 'Is this OK?', 'Does this feel good?' 'Would you like to try?'

14. 😊 Say:

"It is important to remember that consent is an ongoing conversation. Each of these answers are just examples of things that might help to determine if someone is consenting. It is important to keep checking in with a partner.

When it comes to consent, the absence of no does not mean a 'yes'. Uncertainty, hesitation, umming and ahing are NOT signs of enthusiastic consent. It's important to be aware of verbal or non-verbal signs from sexual partners.

Saying 'Stop', 'I'm not sure', 'Can we slow down?' or changing the subject are all examples of how people might indicate they are not consenting. A person who is not consenting might give non-verbal signs instead of saying 'no', like not responding to touch, silence, turning away, pushing a partner away, crying or freezing.

Although we can communicate and consent non-verbally, the only way to be sure a partner consenting is to ask. And the best, most clear way to give enthusiastic consent is to say it - 'Yes!'

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Without consent, sexual activity is sexual assault. Experiencing sexual assault can have significant impacts on a person's physical and mental health throughout their lifetime. The harm caused by sexual assault impacts individuals, families and communities.

If you are not sure if your partner is consenting but you keep going anyway, it is not only not ok and harmful — it is against the law."

Sex and the law

Time to complete: 10 min

15. Look at the [Youth Law Australia](#) website and demonstrate how to navigate to the WA laws and the section on Sex and consent.

16. 😊 Discuss:

What is legal age of consent in WA?

(In WA, the legal age of consent is 16. This means when you are 16 years or older, you can have sex with another person aged 16 or older as long as you are both freely consenting. However, it is a crime for a person who is caring for you, supervising you or has authority over you (like a teacher, coach, boss) to have sex with you while you are between the ages of 16-18.)

What do we mean by 'sex'?

(According to the law, sexual intercourse means when a penis, finger, object or any part of a person is fully or partially inside another person's vagina or anus. Sexual intercourse also includes any kind of oral sex. A sexual act can include a lot of different sexual activities, not only sexual intercourse e.g., kissing, touching, mutual masturbation, making another person watch pornography, sending and receiving sexual pictures. Consent is required for any sexual act. There are a few different laws about sex and consent and different sexual crimes e.g., sexual assault, indecent assault)

Why are there laws around the age of consent in WA?

(The laws around consent are there to protect people from harm and abuse.)

Discussion can be extended to explore cultural expectations and understandings about teenage sexual relationships:

- *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?*

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- *Where do these unwritten rules and expectations around teenage sexual relationships come from?*

14. Stress that regardless of age, if someone has not given consent to sexual activity and it has taken place, it is a crime.

Consent scenarios

Time to complete: 15 min

Students apply their knowledge of sexual consent to scenarios.

1. Provide each small group with a copy of the Teaching Resource: *Consent scenarios student activity sheet* and allocate each group a different scenario to work through.
2. Ask students to read the scenario and associated questions they have been given. Ask the students to identify the key points, discuss whether the situation is consensual or not and provide reasons for their answers.
3. Have each group share their scenario and findings with the whole class.
4. Discuss questions or concerns and clarify any inconsistencies as they arise.

3-2-1 Reflection

Time to complete: 5 min

Reflection

1. [3-2-1 Reflection](#) - Students write on a prepared worksheet or in a journal:
 - 3 x *recalls*: write three facts the legal aspects of consent e.g.,
People must be of legal age to have sex (WA – 16 years of age)
People must be willing and want to have sex (free agreement)
People must be able to have sex (not drunk, under the influence of drugs, asleep, unconscious or not mentally capable of understanding what is happening).
 - 2 x *so what's*: write two things about why consent information is relevant and important.
 - 1 x *questions*: write one question they have about consent.
3. Students should be reminded that sex without consent is considered a crime.
4. 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.

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Take home message

Time to complete: 5 min

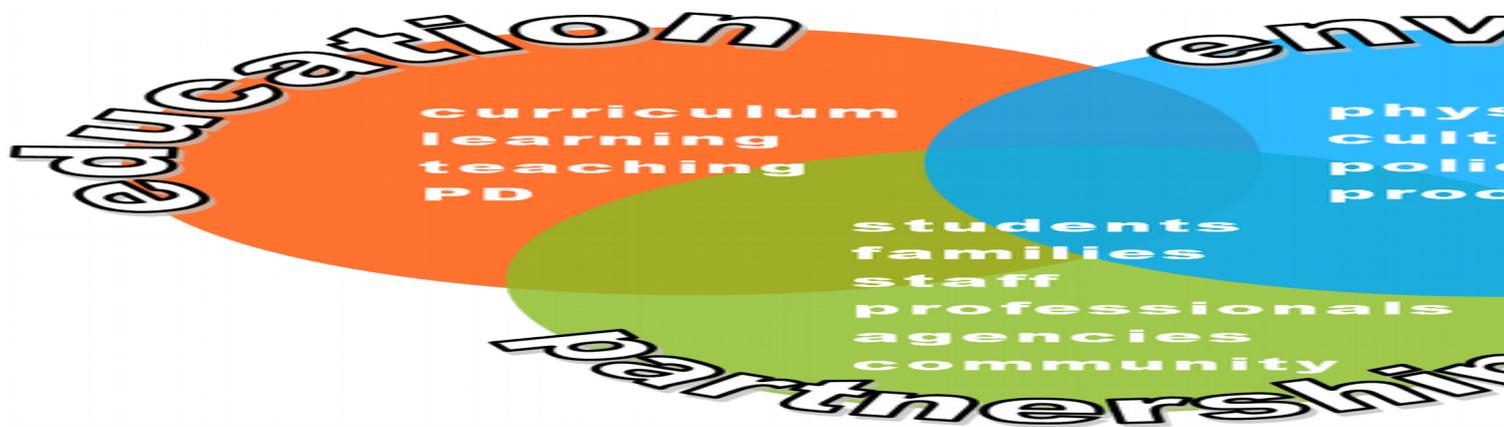
15. Remind students of the take home message/s:

- 💡 Consent is the free agreement to do something.
- 💡 Sexual consent must be mutual, freely given, informed, certain, coherent, clear and ongoing.
- 💡 Sexual consent can be withdrawn at any time.
- 💡 Sexual activity without consent is against the law (sexual assault).
- 💡 The laws around sex and consent are there to help protect people from harm and abuse.
- 💡 Understanding what consent is and the laws around consent is a foundation for respectful relationships and contributes to the prevention of sexual assault.

16. Remind students that [Get the Facts](#) has a completely confidential 'Ask a question' service that they may wish to use. All questions are answered by a qualified health professional within a week.

Health promoting schools strategy

Background teacher note: [Health promoting schools framework](#)



Partnerships with parents

- [Talk soon. Talk often: a guide for parents talking to their kids about sex](#) is a free resource that can be bulk ordered by schools and interactive website. Consider sending a copy home to parents prior to starting your RSE program or providing a link to your website/e-news for parents and carers. The booklet offers age and stage related information on sex and relationships so that the topics covered in class can be reinforced at home. ([How to order hardcopies.](#))
- Send copies of [Relationships, sex and other stuff](#) home. ([How to order free copies.](#))

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- Run a parent and carer workshop prior to delivering RSE lessons so that parents and carers can see the resources used, ask questions and find out how to support the school program by continuing conversations at home.
- Add the [Get the Facts](#) and [SECCA app](#) links to your website/e-news.

Partnerships with school staff

- Invite the school health professionals and pastoral care staff (school nurse, school psychologist, chaplain, boarding house master, etc) to a class or an assembly to introduce them to the students and let them know what their roles are and how they can help the students.

Related assets (links to sections within GDHR site)

Teaching Note

[Protective interrupting](#)
[Dealing with disclosures](#)

Background Note

[Sex and the law](#)
[STIs and BBVs](#)
[Protective behaviours education](#)
[Respectful relationships](#)

Teaching resources

[Consent scenarios student activity sheet](#)
[Consent scenarios teacher answer sheet](#)

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