



Yes!

Sexual consent must be explicit

Keep doing that

People can always change their mind



Is this still ok?

Alcohol and drugs affect consent

Are you too drunk to be doing this?



Can we slow down?

Can we take a break?

It's fine to slow things down or stop



pulling away, being tense

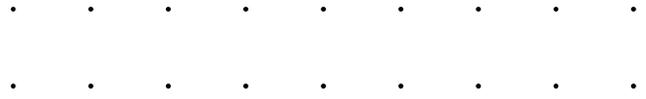
Check non-verbal cues

# Consent Student Factsheet

Made by the Safer Community team

[swinburne.edu.au/safercommunity](http://swinburne.edu.au/safercommunity)

# Consent



## What is consent?

Consent means freely agreeing to do something or providing permission for something to happen. Whenever you participate in any sexual activity, everyone involved needs to give their full consent. Without consent, sexual activity is sexual assault or rape.

An easy acronym to remember is **FRIES**, which means that consent is:

- **F**reely given: it must be by choice.
- **R**eversible: it can be withdrawn at any time.
- **I**nformed: a person needs to understand what they are consenting to.
- **E**nthusiastic: it cannot be assumed. Silence is not consent.
- **S**pecific: consenting to one thing doesn't mean consenting to all things.

## What does consent look like?

### It must be affirmative

Each party involved in the sexual encounter must take active steps to ensure the consent of the other is obtained. This consent provided must be a clear and enthusiastic go-ahead. Hence, silence does not equate to consent.

### It must be enthusiastic

A positive expression to have a sexual encounter and ensuring this enthusiasm is maintained throughout. Enthusiastic consent requires communication, either verbal or physical, or both.

### Consent is feeling

Confident, safe, respected, comfortable, enthusiastic, informed, understood.

### Consent is not being

Forced, afraid, misled, unaware, confused, threatened, controlled.

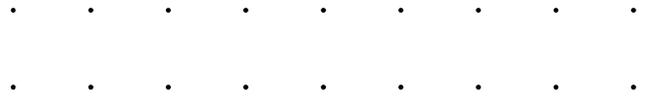
## Busting myths

Common myths and views relating to victim survivors' behaviours are harmful as they seek to shift the blame from the perpetrator's actions to the victim survivor. This can lead to feelings of shame and blame, which can present barriers to seeking help.

Behaviours and actions that occur in the time prior to sexual activity cannot be used to imply that consent has been given. Consent can only be given at the time that the sexual activity may occur. The table below busts some common myths around consent.

Myths	Facts
"We've had sex before, so we can have sex again"	Having sex before (regardless of how long ago) is not consent. A person must consent to each individual sexual act every time.
"People who flirt and wear revealing clothes are asking for it"	There is no excuse for sexual assault and it's never the victim survivor's fault. Someone flirting with you or looking attractive does not mean they consent to having sex.
"Only women can be sexually assaulted"	Anyone can experience or perpetrate sexual assault. However, most rapes and sexual assaults are perpetrated by men towards women.
"LGBTIQ+ individuals are not targets of sexual assault"	Anyone can experience or perpetrate sexual assault. However, most rapes and sexual assaults are perpetrated by heterosexual, cis-gendered men towards women.
"Intellectual disability does not matter when it comes to consent"	People with an intellectual disability have the same rights to consent to sexual activity as any other person.
"If your body is turned on, then you are giving consent"	Sometimes people's bodies will be turned on even though they do not want to engage in sexual activity. Physical arousal is not a sign that someone gives their consent.
"It's fine to have sex with someone if they are drunk or high"	Having sex with someone who is too drunk or high to understand what is happening is sexual assault or rape, as they cannot consent.

# Factors to consider



## Why is consent important?

The absence of consent can have serious legal and psychosocial consequences. It's important to discuss boundaries and expectations with your partner(s) because:

- It doesn't matter if it's a casual hook-up or a long-term relationship, everyone should have freedom of choice about what they do and don't want to do with their own body.
- A conversation about consent should be about more than getting a yes or no. It's a way to communicate about what you and your partner(s) each want, and to show them you won't do anything to make them uncomfortable or unsafe.
- The more you practice asking for consent, the better you get at it.

## Consent conversations

Asking for and communicating consent is simple. Here is how you can get started:

### Understand that consent needs to be explicit

- Consent to any sexual act needs to be stated clearly. Never assume someone is into it.
- Consent sounds like: *"Yes!", "Absolutely", "That feels great", "I'd like to...", "Keep doing this", "That sounds great", "Can you please"*.
- Consent does not sound like: *"No", "Maybe", "I don't want to", "Stop", "I'm not sure", "I'm not ready"*.
- Not everyone feels comfortable saying no. If someone feels pressured to engage in a sexual activity, they might say *"I guess so"* even if they don't want to.
- Being silent, showing interest in you or agreeing to a date does not equate to consent.
- Consider writing a list of what you and your partner like, your deal breakers, your standards, and things you might like to try i.e., Want/Will/Won't lists.

### People can always change their mind

- Healthy sexual boundaries are continuously checking in with each other about what is and isn't OK.
- You or your sexual partner(s) can decide at any time that you don't want to keep going.
- Check in with each other by asking: *"Is this still, OK?", "Is there anything you don't want to do right now", "Can I kiss you?", "Are you comfortable with me doing this?"*
- Consider using safe words. Safe words can be used to stop sexual acts. Choose a word or signal (generally something that you don't say during sex) that means 'stop everything'. Talk about what you want the other person to do if you say that word.

### Look out for non-verbal cues

- Pay attention to body language, not just words.
- Not being into it can include pulling away, crossing their arms, being tense, avoiding eye contact and not reciprocating.

### It's fine to slow things down or stop

- If you feel uncomfortable at any stage, it's OK to let the other person know that you want to slow down or stop.
- You could say something like: *"Can we slow down?", "Can we take a break?"* or *"Can we stop?"*
- If someone says *"no"* or asks you to stop, never pressure them to continue. Don't get angry, complain, or try to make them feel guilty. Everyone has the right to just say 'no' to anything at any time.
- Saying *"no"* isn't always easy. However, you can practice saying no outside of sex. The more you say it, the easier it gets.

### Understand that alcohol and drugs affect consent

- Alcohol and other drugs can impact our ability to give consent, say *"no"* to a sexual activity, or recognise when someone isn't giving consent. It can be helpful to limit alcohol and other drug use before sexual activity.
- It's up to you to recognise and respect if a potential partner has had too much to give consent. If you're worried that someone is too intoxicated to consent, they probably are.
- You could say: *"Are you too drunk to be doing this?", "You look like you're about to pass out. Let's just call it a night"*.
- If you see a friend who is substance affected and is being intimate with someone, you can pull them aside and make sure that the person is safe and knows what they are doing.
- If it's the opposite situation and your friend is the one who is being intimate with the substance affected person, then you should try to pull them aside and stop them from getting into a harmful situation.

### Learn more and access support

- Learn more about consent by completing the Consent Matters module on Canvas.
- Refer to Safer Community's [sexual assault and sexual harassment factsheet](#) if you have experienced sexually harmful behaviours. The end of this document also provides a list of internal and external supports.

# Consent in the online world

Consent is also relevant to our online interactions. The principles that apply to in-person sexual activity are the same for the online space.

## Sexting

Sexting refers to the sending of provocative or sexual photos, messages, or videos via mobile or online (e.g., text and chat apps).

Sending nudes and sexting can occur in healthy intimate relationships involving consenting adults.

Although it may seem like innocent flirting, there are some serious social and legal risks to consider. For example, it is illegal to create, possess or share any nude photo or video of anyone under the age of 18. It doesn't matter if the image was initially created with their consent, or they have agreed to share it. Refer to [Youth Law Australia](#) for more information.

If you are over 18 and want to send someone who is also over 18 a nude and/or intimate photo or video of yourself, it is important to seek their consent and set out boundaries.

### Remember to:

- Always ask before sending a sext: "Would you like me to send ...?" or "How do you feel about getting a photo of ...?"
- Ask what they are they okay with receiving (e.g., just words, photos, or videos)
- Ask where they want to receive the images (e.g., Snapchat, Instagram, text etc.)
- Consider whether it needs to be immediately deleted or can it be saved for their viewing.
- Clarify whether they share it with anyone else.

## Image-based abuse

Image-based abuse occurs when someone takes, shares and/or threatens to share a nude, sexual or intimate image without the consent of the person featured in it.

Anyone can experience image-based abuse. However, statistics from the [National Survey in Image-Based Abuse](#) show that some people are more likely to experience it than others (e.g., women and Aboriginal and/or Torres Strait Islander people).

Image-based abuse is illegal in Australia. Specific laws relating to image-based abuse vary between Australian state and territories. You can refer to the [Online Safety Act 2021](#), Safer Community's [cyber safety factsheet](#) and the [eSafety Commissioner](#) for further information.

### An intimate image is one that shows:

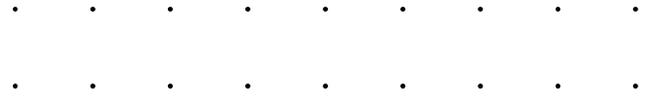
- a person's genital area or anal area (whether bare or covered by underwear).
- a person's breasts (if the person identifies as female, transgender or intersex).
- private activity (for example a person undressing, using the bathroom, showering, bathing or engaged in sexual activity).
- a person without attire of religious or cultural significance if they would normally wear such attire in public.

### Examples of image-based abuse:

- Your current or ex-partner shares an intimate image on social media without your consent.
- A colleague or peer photoshops an image of you with an explicit image and shares it broadly via email.
- A person threatens to post your intimate video on social media and send it to your family and friends.
- A person anonymously posts your intimate image on a porn website.



# Consent legislation



## Consent and the law

In Victoria, the [Crimes Act](#) states that a person has not consented to a sexual act if:

- They submit because of force or the fear of force.
- They submit because of the fear of harm of any type.
- They submit because they are unlawfully detained.
- They are asleep or unconscious.
- They are so intoxicated that they are incapable of consenting to the act.

It's important to understand that some people experience breaches to consent in specific ways. For example:

- People belonging to the LGBTIQ+ community can experience threats to 'out' them or tell their workplace, family, or friends about their sexual orientation or trans identity.
- People from culturally and linguistically diverse backgrounds can experience threats related to immigration, visa status and sponsorship as a form control. This is particularly relevant for people with temporary residency status.

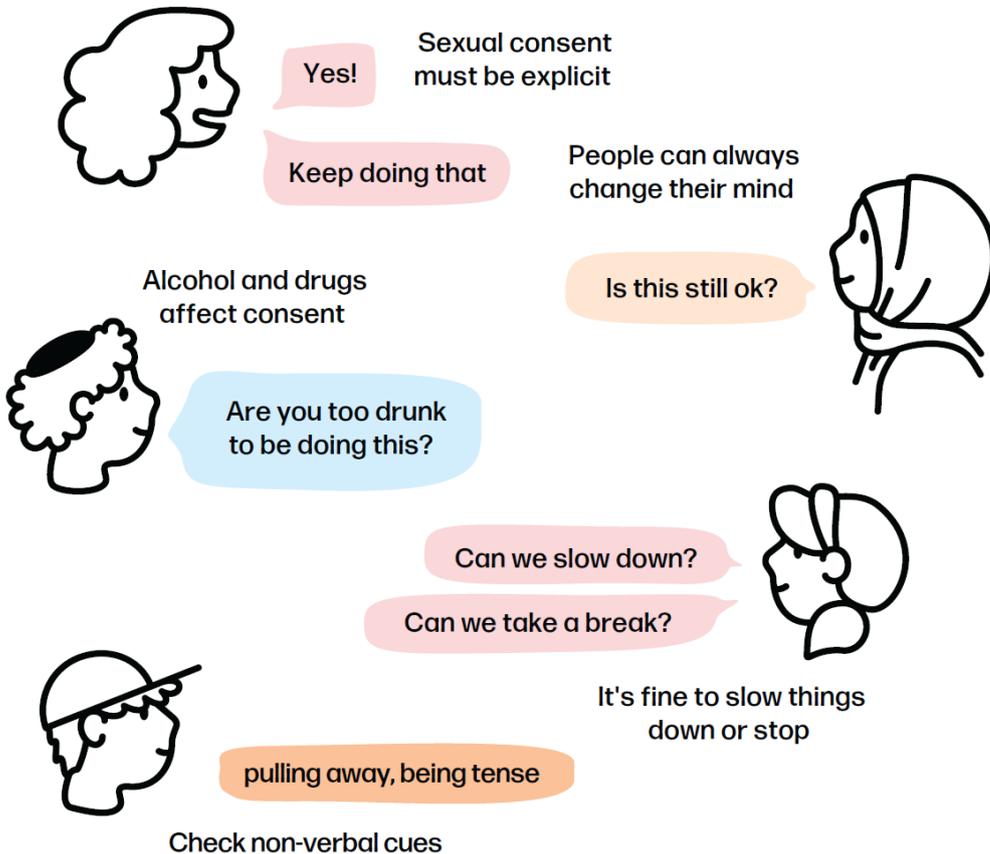
## Age of consent

In Victoria, a person aged over 16 can consent to sex with any other person, except someone who is in a position of authority over them. Persons who have care, supervision or authority over a child include the following:

- Parents and stepparents
- Teachers
- Youth workers
- Employers
- Sports coaches
- Counsellors
- Religious leaders
- Health professionals
- Out of home carers
- Police on duty

A person who is aged between 12 and 16 can consent to sexual activity with a person who is not more than two years older than them.

A person aged less than 12 cannot consent to sex with any other person.



# Supports

## On campus

### Safer Community

Safer Community offers advice, support, intervention, and risk management for students who experience or witness inappropriate, concerning, or threatening behaviours on or off campus. You can get in touch with the team via email or the online reporting form. You can also access relevant contact details via the [Swinburne app](#) under the 'staying safe' section.

[safercommunity@swin.edu.au](mailto:safercommunity@swin.edu.au)  
[swin.edu.au/incident-reporting-form](http://swin.edu.au/incident-reporting-form)  
[swin.edu.au/safercommunity](http://swin.edu.au/safercommunity)

### Swinburne Security

Contact campus security services for emergencies on campus or after-hours assistance for a security escort. You can access relevant contact details via the [Swinburne app](#) under the 'staying safe' section.

03 9214 3333 (available 24/7)

### After-Hours Support Line

The Swinburne after-hours support line is available to help 24 hours a day on weekends and public holidays, and outside business hours on weekdays (before 9am and after 5pm).

Call 1300 854 144 or text 0488 884 145

### International Student Advisory & Support

Provides personal advice, critical incident support, and referral for international students in any adjustments to their life circumstances in Australia.

03 9214 6741 (also available 24/7 for urgent and emergency support)

[isa@swin.edu.au](mailto:isa@swin.edu.au)

### Swinburne Health Service (Counselling and Psychological Services)

If you are struggling with a personal, emotional, or mental health difficulty, whether related to your studies or your life away from university, counselling may help. Register and make an appointment with the counselling services.

03 9214 8483

[swin.edu.au/counselling](http://swin.edu.au/counselling)

### Independent Advocacy Service

Swinburne Student Life provides policy advice, support and guidance on academic issues, and advocates for best outcomes in complaints, grievances, appeals and misconduct hearings.

03 9214 5445

[advocacy@swin.edu.au](mailto:advocacy@swin.edu.au)  
[swin.edu.au/advocacy](http://swin.edu.au/advocacy)



## Off campus

### Victoria Police, Sexual Offence and Child Abuse Investigations Team (SOCIT)

National emergency response and reporting regarding sexual offences and child abuse.

In emergencies call 000 (available 24/7)

[police.vic.gov.au/reporting-sexual-offences-child-abuse](http://police.vic.gov.au/reporting-sexual-offences-child-abuse)

### Victoria Sexual Assault Crisis Line

Confidential, state-wide, after-hours crisis counselling for people who have experienced past and recent sexual assault.

1800 806 292 (available after-hours)

[sacl.com.au](http://sacl.com.au)

### National Sexual Assault and Domestic Violence Service

24/7 phone and online counselling service for victim survivors of sexual assault, and domestic or family violence.

1800 737 732 (available 24/7)

[1800respect.org.au](http://1800respect.org.au)

### Eastern Centre Against Sexual Assault (ECASA)

Free counselling and support service for people who have experienced sexual assault either recently or in the past. The service is also available to non-offending family and friends

03 9870 7310

[ecasa@easternhealth.org.au](mailto:ecasa@easternhealth.org.au)

[easternhealth.org.au/services](http://easternhealth.org.au/services) and search "ECASA"

### Men's Referral Service (No To Violence)

Advice and support for men concerned about their anger or violence towards their family. The service also provides help to women or other family members who are experiencing violence or controlling behaviour by men.

1300 766 491 (available 24/7)

[ntvmrs.org.au](http://ntvmrs.org.au)

### MensLine

Telephone and online counselling service for men with emotional health and relationship concerns including issues of violence.

1300 789 978 (available 24/7)

[mensline.org.au](http://mensline.org.au)

# Specialist supports

## Off campus

### Headspace

Telephone helpline and online service for teenagers and young people aged 12–25 who are worried about their mental health. Support is also available to concerned parents or carers.

1800 650 890 (9am-1am)

[headspace.org.au](https://www.headspace.org.au)

### QLife

Peer support and referral for LGBTIQ+ people and their friends, families, and allies in Australia. Phone and webchat are open from 3pm – midnight every day.

1800 184 527

[qlife.org.au](https://www qlife.org.au)

### Drummond Street Services

Victorian service that provides a variety of counselling service and other options to the LGBTIQ+ community.

03 9663 6733

[ds.org.au](https://www.ds.org.au)

### Women's Information and Referral Exchange (WIRE)

Victorian service that provides free support, referral, and information on any issue for all Victorian women, non-binary, and gender diverse people.

1300 134 130

[wire.org.au](https://www.wire.org.au)

### Djirra

Provides culturally safe and accessible services to Aboriginal people seeking support in Victoria.

1800 105 303

[djirra.org.au](https://www.djirra.org.au)

### 13YARN

National 24/7 Aboriginal & Torres Strait Islander crisis support line.

13 92 76 (available 24/7)

[13yarn.org.au](https://www.13yarn.org.au)

## Further information

**Email** [safercommunity@swin.edu.au](mailto:safercommunity@swin.edu.au)

**Web** [swin.edu.au/safercommunity](https://swin.edu.au/safercommunity)

**Canvas** [swinburne.instructure.com/enroll/LBX38D](https://swinburne.instructure.com/enroll/LBX38D)

### inTouch

Victorian specialist family violence service that works with women from migrant and refugee backgrounds, their families, and communities.

1800 755 988

[intouch.org.au](https://www.intouch.org.au)

### National disability abuse and neglect hotline

A free, independent, and confidential service for reporting abuse and neglect of people with disability.

1800 880 052

[jobaccess.gov.au](https://www.jobaccess.gov.au) and search "hotline"

### Safe Steps

The Disability and Family Violence Crisis Response Initiative at Safe Steps assists women and children with a disability who are experiencing family violence to access the services and supports they need to stay safe, quickly.

1800 015 188 (available 24/7)

[safesteps.org.au](https://www.safesteps.org.au)

