

## Age of Consent for Sexual Relations in Australia

The age of consent for young people to engage in sexual activity is different in the state and territories throughout Australia. Age of consent is the age at which no-one is allowed to have sex with the young person if they are younger than this age. This includes situations in which the young person has agreed for them to have sex with them. They can be charged with a criminal offence.

The law in every state or territory is the same for heterosexual and homosexual sex.

Incest is sexual intercourse between close relatives. In cases of incest consent can not be used as defence. Therefore the following tables do not apply to situations of incest.

State and/or Territory	Age of Consent	Contingencies (situations in which people may not be charged with a sexual offence)	After the age of consent
<b>Victoria</b>	16 years	<ul style="list-style-type: none"> <li>- They were not more than 2 years older than the young person.</li> <li>- They believed 'on reasonable grounds' that the young person was 16 years or older. This is more than asking someone their age.</li> </ul>	Between 16 and 18 years, a young person can have sex with any other person who is 16 years or over as long as they are not in a position of power/authority over them and/or they are under their care/supervision. After this time sexual relations with some professionals (Doctors, teachers, social workers etc) may breach their code of conduct. Non-conventional sexual relations are always a crime.
<b>Western Australia</b>	16 years	<ul style="list-style-type: none"> <li>- When the young person is legally married to them or,</li> <li>- the young person is over 13 years at the time of having sex and</li> <li>- The older person is not more than three years older than the child and,</li> <li>- they believed that the young person was 16 years or older and,</li> <li>- they did not have authority over the young person.</li> </ul>	(as above)
<b>Tasmania</b>	17 years	<ul style="list-style-type: none"> <li>- the young person agreed to have sex with them and,</li> <li>- the young person was 15 years or older at the time of having sex and</li> <li>- the young person was more than 5 years older than you.</li> </ul> OR <ul style="list-style-type: none"> <li>- The young person agreed to have sex with them and</li> <li>- The young person was 12 years or older at the time of having sex and</li> <li>- The older person was no more than 3 years older than the young person</li> </ul> OR <ul style="list-style-type: none"> <li>- The young person agreed to sex with them and</li> <li>- The older person thought the young person was 17 years or older.</li> </ul>	Once a young person reaches 17 years they can have sex with any other person who is 17 years or over as long as both people are consenting.

<b>South Australia</b>	17 years	<ul style="list-style-type: none"> <li>- the young person agreed to have sex with them and were 16 at the time and</li> <li>- They were 17 or</li> <li>- They believed the young person was 17 years or older.</li> </ul>	A young person can have sex with anyone who is 17 years or over once they are 17 years as long as both consent. This person can not be in a position of authority over the young person until they 18 years.
<b>Queensland</b>	16 years	<ul style="list-style-type: none"> <li>- the young person was 12 years or older at the time of having sex and</li> <li>- the older person believed the young person was 16 years old older.</li> </ul>	As Victoria.
<b>Northern Territory</b>	16 years	<ul style="list-style-type: none"> <li>- the young person agreed to have sex with them and</li> <li>- the young person was 14 years or older at the time of having sex</li> <li>- the older person believed the young person was 16 years or older</li> <li>- the young person was not under their care.</li> </ul>	<p>Over 16 years a young person can legally have sex with anyone who is over 16 years as long as both consent.</p> <p>Between 16 and 17 years, the person can not be in a position of authority over the young person unless they are married to them or in a defacto relationship with them.</p>
<b>New South Wales</b>	16 years		As above
<b>Australian Capital Territory</b>	16 years	<ul style="list-style-type: none"> <li>- the young person agreed to have sex with them</li> <li>- the young person was 10 years or older at the time of having sex and</li> <li>- the young person was not more than 2 years</li> </ul>	Once 16 years a young person can have sex with anyone 16 years or over as long as both consent.

Sourced from National Children's and Youth Law Centre.