

# Protecting children

Children and young people can be damaged in their spirit if people use them for sex.

This damage can be with them for all their lives.

It can finish their trust for people.

They can sometimes give up and get drunk all the time or sniff.

When they grow up it can make it hard for them to have a good marriage.

The damage can be passed on to grandchildren and great-grandchildren and life will be hard for them too.

The law is not just about full on sex. It might be:

- touching in a sex sort of way
- making the child watch porn videos
- making the child touch their own or another person's private parts
- taking sexy sort of photos of a child

If a community is going to be strong, and have good families, the children have to be protected. Men who might want to use them for sex have to be stopped and kept away.

## In the law, using children for sex is a crime.

## The Law

In WA, the law protects children and young people.

**It says that :**

You aren't allowed to have sex with a boy or girl if they are younger than 16.

You can't have sex with a close relation, like a son or daughter, a brother or sister, or a stepson or stepdaughter or any child under your care.

If you are someone in authority, like a teacher, a pastor or a community leader, you aren't allowed to have sex with a boy or girl younger than 18.

*If you are worried about someone, you can call:*

**DCD** (08) 9223 1111 or 1800 199 008

**SARC** (08) 9340 1828 or 1800 199 888

**Centrecare** 1800 671 833

*or talk to:*

- your community nurse
- a teacher
- a police officer
- a welfare officer

They will do their best to make sure there is no gossip and that things are done the proper way.

*The painting depicts child abuse and speaking up. The middle of the circle is hands... children's hands. The Elders sit outside the circle protecting the children and talking among themselves, encouraging community members to speak up. Each Elder then carries this information back to their communities encouraging others to do the same.*

*Joanne Honeysett Taungurung, Victoria*

**PICTURE REPRODUCED WITH PERMISSION OF SNAICC**

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HP 2304



what the **LAW**  
says about

# Sex

# What the law says about sex between adults

## The most important thing in the law about sex between adults is:

- ✓ Both people have to be OK about it.
- ✓ Both people have to agree to it.
- ✓ Both people have to have a free choice.
- ✗ You can't force them.
- ✗ You can't give them no choice.
- ✗ You can't trick them into it.
- ✗ You can't get them drunk or drugged and take advantage.
- ✗ You can't threaten them in any way.

Both people have to be happy to have sex with each other. You got to make sure that the other person is OK for it to happen before you have sex with them.

The law calls that  
"consent"

People are allowed to change their mind about sex half way through. They might seem to be OK about sex, and go part of the way, and then change their minds. If they do, the other person has to let them go.

Choice is the important thing.



The law is not just about full-on sex. Any kind of touching in a sex sort of way is against the law if the other person doesn't want it to happen.

# No excuse

Usually, the problem is with a man who wants sex with a woman and she has not given her consent, but he just goes ahead.

It is still rape or sexual assault if:

- The man was drunk or on drugs at the time.
- The woman was drunk or on drugs at the time.
- The man reckons that he "couldn't control himself".
- The man thinks "she led him on".
- One person was flirting with another person, but didn't want to have sex.
- She was "asking for it" by dancing or behaving in a sexy way, or by dressing in a sexy way.
- The two people are married or de facto.
- The two people used to be in a relationship.
- They love each other, but one of them is not ready to have sex.
- She has had sex with other people.

It will still be rape or sexual assault whether the person doing it is a man or a woman or whether the other person is a man or a woman.

Sex is only OK in the law if both people are OK for it to happen.