



Age of consent

Each State and Territory has its own legislation that stipulates the age of consent for young people to consent to sexual activity. Sexual activity between adults and children/young people under the age of consent constitutes a criminal offence.

Organisations may be faced with a situation where they are required to determine if an incident involving sexual misconduct constitutes a criminal offence or contravenes organisational policy. Therefore it is recommended that you are familiar with the legislation in your jurisdiction.

The table below lists the age of consent in each jurisdiction of Australia. However, the legality of a sexual act between an adult and young person is based not simply on the age of the young person. It is based on complex legal issues that are outlined in the criminal code of each State and Territory, which differ on issues such as the relevance of the age gap between the adult and the young person.

The table below provides a starting point for understanding the laws affecting age of consent. For further information consult the National Children's and Youth Law Centre (<<http://www.ncylc.org.au>> or <<http://www.lawstuff.org.au>>), Australasian Legal Information Institute (<<http://www.austlii.edu.au>>) or the police in your jurisdiction.

Age of consent for sexual acts	
Heterosexual acts	In ACT, New South Wales, Northern Territory, Queensland, Victoria and Western Australia: 16 years of age
	In South Australia and Tasmania: 17 years of age
Homosexual acts	In ACT, New South Wales, Victoria and Western Australia: 16 years of age
	In Queensland: 18 years of age
	In South Australia and Tasmania: 17 years of age
	In Northern Territory: 18 years of age

Source <<http://www.lawstuff.org.au>> May 2007

It is strongly recommended that organisations prohibit sexual relations between staff members or volunteers and the young people who are clients of the organisation. The imbalance of power and authority compromises the ability of the young person to freely consent to sexual relations.