



Under 12 years old – no-one can have sex with you or touch you sexually or perform a sexual act in front of you, even if you agree.

12-15 years old – a person can't have sex with you, touch you sexually or perform a sexual act in front of you if they are two years older or two years younger than you, even if you agree.

16-17 years old – no-one who is caring for you or supervising you can perform a sexual act with or in front of you, even if you agree, unless they are married to you. However, it is not an offence if the person honestly believed you were 18 or older.

## SEX AND THE LAW IN VICTORIA

The law in Victoria sets clear age limits for when you can legally have sex. This is called age of consent. A person can be charged with a sexual offence if they perform a sexual act that breaks these age limits, even if the younger person agrees to it. The age of consent for same-sex relationships is the same as it is for heterosexual relationships.

The law says if you are:

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- **12-15 years old** – a person can't have sex with you, touch you sexually or perform a sexual act in front of you if they are two years older or two years younger than you, even if you agree.
- **16-17 years old** – no-one who is caring for you or supervising you can perform a sexual act with or in front of you, even if you agree, unless they are married to you. However, it is not an offence if the person honestly believed you were 18 or older.

### What if only one person agrees to sex?

- As well as the age limits, the law says that two people can't have sex unless they both agree. If you don't agree and someone threatens you or touches you sexually they are breaking the law.
- If someone has sex with you or touches you sexually when you are asleep, unconscious or so affected by alcohol or drugs that you are not able to agree, it is still sexual assault.
- Sex can be complicated by people taking and sending digital pictures or video. If this is of someone who is or appears to be a minor (under 18) it can be child pornography if the picture depicts sexual behaviour or is in an indecent context.

Source: Victoria Legal Aid [legallaid.vic.gov.au](http://legallaid.vic.gov.au)