



NOTE: Due to recent changes to the law in Queensland, **some of this information may be out of date.**

The Youth Advocacy Centre is currently reviewing this information and will release an updated version soon.



SEX

This sheet is intended to provide **general legal information** about the law in Queensland. It is not legal advice. If you have a particular legal problem you should contact a solicitor for legal advice. At the end is a list of agencies that might be able to assist you, including legal agencies.

When can I have sex?

You can have sex with a person without breaking the law if you are **both** 16 and over and you **both** want to do this. In Queensland, it is generally not an offence for two people of the same sex to have sex, if they are 16 or over. It is against the law for two people to have sex if either or both of them are under 16.

It is against the law for a parent, grandparent, aunt, uncle, brother or sister to have sex with you. This is called incest. It includes that group if you are related through a de facto relationship, step family, adopted family or foster family. It is also against the law to have sex with an animal.

It is breaking the law for a person to do any of the following to a young person under 16:

- touching the young person on the genitals, bottom or chest or somewhere else in a sexual way
- exposing themselves to the young person
- taking inappropriate photos of the young person.

If the police or Child Safety Services believe you are at risk of harm because of your sexual behaviour, they may ask the Court to order that you be placed in the care and protection of Child Safety Services. Get some legal advice if you think this might happen.

If any adult, including your parents, has reasonable belief that a sexual offence has occurred to child under 16 or under 18 if they have a disability then they must report it to the police.

What is safe sex?

Safe sex means not swapping any body fluids with the person you are having sex with. Practising safe sex can protect you from sexually transmitted infections (STIs), and unwanted pregnancies. Having safe sex means using a condom **every time you have sex**. Other forms of contraception like the Pill make pregnancy less likely but do not protect you from STIs. The risk might be reduced if you have sex with the same person, providing the other person is **only having a relationship with you and has only had a relationship with you** for a long time. You can get free condoms from some of the agencies listed under 'Who Can Help?'

When can I get contraceptives?

There is no age limit for buying contraceptives (for example the Pill, condoms) BUT young women will need to get a prescription from a doctor for contraceptives such as the Pill. Doctors are generally able to provide contraceptive advice or treatment without contacting your parents. You should check your doctor's practice if this is an issue for you. Usually the Family Planning Association will respect your right to privacy and will not contact your parents.

What about my parents?

If a doctor agrees to treat you, including providing you with contraception, then the doctor must keep information about you confidential. This means that information about you should not be given to anyone else without your agreement. This includes your parents. If you are unsure who to trust, contact one of the agencies listed under 'Who can help?'

STIs?

Anybody can get an STI (a sexually transmitted infection) by having unprotected sex with someone who is infected. STIs (for example, AIDS, genital warts, herpes or hepatitis) are very common and you can catch them easily. You are much less likely to catch an STI from kissing, hugging or massage. Common signs of an STI (except AIDS) can range from itchiness, blisters, sores or a rash around your genitals. It is important to see a doctor if you have had unprotected sex and you think you may have an STI. If you have an STI and do not tell the person you are having sex with, you can be committing an offence for infecting someone else.

What if I'm pregnant?

It is a good idea to talk to someone you trust about what you want to do, as there are choices and you need to understand what those choices will mean for you. If you do not have anyone you can trust contact one of the agencies listed under 'Who Can Help?'

In Queensland it is legal to have an abortion up to twenty-two weeks of pregnancy. After twenty-two weeks two doctors "sign off" before the abortion can be performed. If the doctor has agreed to treat you then the doctor must keep information about you confidential, that is, not tell anyone unless you agree. Anyone wanting to stop

you having a legal abortion or trying to make you have an abortion that you don't want would need to ask a court to order this. You should tell the doctor what you want to happen and see a lawyer if you are worried about what may be happening.

Can I be forced to have sex?

NO. If you are forced to have sex against your will this is called rape or sexual assault and it is against the law. (See sheet on 'Victim of Crime' for more information about this). It includes a wide variety of acts such as oral sex, touching another's genitals and groping etc. Factors including the use of alcohol and drugs may influence whether you could consent to the sexual activity.

This is not something that can only happen with a stranger - date rape can happen when the person you are dating forces you in some way into sexual activity that you do not want. Just because you know the person and agreed to go out with them does not mean that you can be forced to have sex. People who are married cannot force their partners to have sex either. Also you can take back your consent to sex at any time and the other person has to stop or they are breaking the law.

You should get support from someone you trust or contact one of the agencies listed under 'Who can help?' to find out what you can do if this happens to you.

What if I'm a sex worker?

It is not against the law for you to work as a sex worker. It is an offence to 'publicly solicit' for 'immoral purposes' (for example, hanging around a street corner trying to find a client). Prostitution is against the law when two or more people work out of the same place and it is not a licensed brothel. The police can charge you if you are seen to be working with other sex workers and you are not in a licensed brothel. It is against the law for a person to allow any person under 18 into a place used for prostitution, including a licensed brothel - either as a sex worker or as a client. It is not against the law for you to work out of your own home BUT you are not allowed to advertise this.

You can legally carry as much safe sex material as you wish (like condoms). You do not have to answer any questions if the police question you, BUT you should give your correct name, age and address. It is an offence to provide or ask for sexual intercourse or oral sex without a device to prevent the spread of disease such as a condom. If you do contract an STI and are aware of it, you cannot work as a prostitute.

There are health and safety issues for sex workers. If you are under 18 and working as a sex worker the police or Child Safety Services may decide that you are at risk of harm and apply to the court for a Child Protection Order and put you in the care of Child Safety Services. Get legal advice if you think this may happen to you.

Who can help?

Youth Advocacy Centre (YAC) www.yac.net.au	3356 1002
Youth Legal Advice Hotline	1800 527 527
(Monday - Thursday 8am - 9pm; Friday 8am - Sunday 5pm)	
Hub Community Legal www.hubcommunity.org.au	3372 7677
Logan Youth & Family Legal Service www.yfs.org.au	3826 1500
Legal Aid Queensland www.legalaid.qld.gov.au	1300 651 188
Brisbane Youth Service www.brisyouth.org.au	3620 2400
(Information and advice about health issues and free doctors)	
Zig Zag Young Women's Resource Centre www.zigzag.org.au	3843 1823
Family Planning Association www.fpq.com.au	3250 0200
Children by Choice www.childrenbychoice.org.au	3357 5777
	1800 177 725 (Free call)
Queensland Aids Council www.quac.org.au	3017 1777
	(24hrs Outside Brisbane) 1800 177 434 (Free call)
Brisbane Sexual Health Clinic	3837 5611
Immigrant Women's Support Service www.iwss.org.au	3846 3490
Women's Health Information Line	3839 9988
	(Outside Brisbane) 1800 017 676 (Free call)
Women's Infolink	1800 177 577
Aboriginal & Islander Community Health Service www.atsichsbrisbane.org.au	3240 8900
Child Safety After Hours Service (24hrs) (DOC) www.communities.qld.gov.au	3235 9999 or
	1800 177 135 (Free call)
Translating & Interpreting Services (24hrs)	131 450
Respect Inc (Gold Coast) 4 Bay Street Southport Drop In Mon - Thurs, 12-3pm	5657 0857 or
	0437 000 724

(Info and advice about health, wellbeing, dignity and rights of young people (25 and under) engaged in sex work)
Community Legal Centres (CLCs) see www.nacclc.org.au for your nearest CLC

This information was last reviewed and updated in January 2024. The Youth Advocacy Centre does not accept responsibility for any action or outcome as a result of anyone relying on the information provided.

UNDER REVIEW