



Age of Consent for Sexual Relations in Australia

The legal age for consensual sex varies across Australian state and territory jurisdictions (see table 1). The age of consent is 16 years of age in the Australian Capital Territory, New South Wales, Northern Territory, Victoria and Western Australia. In Tasmania and South Australia the age of consent is 17 years of age. Queensland is the only state that makes a distinction between different forms of sexual activity and the age of consent. In Queensland, the age of consent for anal sex (referred to as sodomy in legislation) is 18 years of age, while the age of consent for all other sexual behaviour (described as carnal knowledge) is 16 years of age.

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
Victoria	16 years	<ul style="list-style-type: none"> - They were not more than 2 years older than the young person. - They believed 'on reasonable grounds' that the young person was 16 years or older. This is more than asking someone their age. 	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-consensual sexual relations are always a crime.
Western Australia	16 years	<ul style="list-style-type: none"> - When the young person is legally married to them or, - the young person is over 13 years at the time of having sex and - The older person is not more than three years older than the child and, - they believed that the young person was 16 years or older and, - they did not have authority over the young person. 	(as above)
Tasmania	17 years	<ul style="list-style-type: none"> - the young person agreed to have sex with them and, - the young person was 15 years or older at the time of having sex and - The young person was more than 5 years older than you. OR <ul style="list-style-type: none"> - The young person agreed to have sex with them and - The young person was 12 years or older at the time of having sex and - The older person was no more than 3 years older than the young person OR <ul style="list-style-type: none"> - The young person agreed to sex with them and 	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.

		- The older person thought the young person was 17 years or older.	
South Australia	17 years	- the young person agreed to have sex with them and were 16 at the time and - They were 17 or - They believed the young person was 17 years or older.	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 their 18 years.
Queensland	16 years	- the young person was 12 years or older at the time of having sex and - the older person believed the young person was 16 years old older.	As Victoria.
Northern Territory	16 years	- the young person agreed to have sex with them and - the young person was 14 years or older at the time of having sex - the older person believed the young person was 16 years or older - the young person was not under their care.	Over 16 years a young person can legally have sex with anyone who is over 16 years as long as both consent. 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.
New South Wales	16 years		As above
Australian Capital Territory	16 years	- the young person agreed to have sex with them - the young person was 10 years or older at the time of having sex and - the young person was not more than 2 years	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.