

# Intimate Partner Sexual Violence

## What is intimate partner sexual violence?

Under the **Multi Agency Risk Assessment and Management (MARAM)** framework, **sexual violence is a high-risk indicator** and indicates that the perpetrator may cause the victim survivor serious injury or death.

More than a third of sexual assaults occur within the context of family and domestic violence (ABS, 2020), with these rates likely to be an underestimation. This is commonly referred to as Intimate Partner Sexual Violence (IPSV).

Sexual violence is an abuse of power and is never the fault or responsibility of the victim survivor.

Sexual violence in the context of family violence can occur both in person and online and can include experiences such as :

- ▶ **rape**
- ▶ **sexual** assault
- ▶ **sexual** harassment
- ▶ **creation** and distribution of intimate images shared without consent
- ▶ **control** of sexual and reproductive health decision-making
- ▶ **being** pressured or forced to watch or participate in pornography
- ▶ **any** other unwanted sexual behaviour.

## Impacts

The impacts of IPSV can be distinct from other forms of violence. This can include:

- ▶ **physical** injuries
- ▶ **mental** health impacts
- ▶ **trauma** responses
- ▶ **relationship** difficulties.

## Consent

Sexual consent is a 'free and voluntary agreement' to engage in any type of sexual activity. Consent must be sought and given by all people involved before any sexual act, both in person and online. No one should ever feel forced, pressured, coerced or threatened into a sexual act.

### **Victorian law follows an affirmative consent model.**

This means that everyone has a responsibility to take steps to say or do something to find out if the other person(s) is consenting, within a reasonable time prior or during sexual activity.

# Sexual consent

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## Age of consent laws

In Victoria, the legal age of consent is 16 years. If a person is 16 years or above, they can legally consent to sex with another person who is 16 years or above.

**Under 12:** A person under 12 years of age cannot consent to any kind of sexual activity.

**12-15:** A person aged 12 to 15 years of age can consent to sexual activity with someone within two calendar years of their age.

**16-17:** A person aged 16 to 17 years of age can consent to sexual activity, except for anyone who is in a role of care, supervision or authority – for example, a teacher, youth worker or foster carer.

## Circumstances where there is no consent

There are different circumstances where, by law, people cannot give consent. These legal provisions acknowledge the different reasons why someone might be unable to agree to a sexual act free of force, fear, harm, threat or coercion. Some of these include where a person:

- ▶ **has not** said or done anything to communicate they are giving consent
- ▶ **is asleep, unconscious** or heavily affected by **alcohol** and/or other drugs
- ▶ only participated because of an **abuse of relationship of power** or trust
- ▶ **does not understand** the act is sexual
- ▶ only submits because of **coercion** or **intimidation**, whether a single incident or part of an ongoing pattern
- ▶ only submits because of **force, harm** or **fear** of any type, whether to that person, someone else or to an animal. This includes economic or financial harm, reputational harm, harm to the person's family, cultural or community relationships, harm to the person's employment, family violence involving psychological abuse or harm to mental health, and sexual harassment.