



Trusted Moments

A short film for teenagers about risky behaviour

Study Guide

To facilitate discussion and learning about the law of consent and the importance of respectful relationships.



The film and this Study Guide form part of an early intervention initiative for the prevention of sexual assault

Trusted Moments is a short film created by the Legal Services Commission of South Australia with the support of the Law Foundation SA. The Commission would like to thank the young actors and film crew who worked in its production, and to acknowledge the contribution of ShineSA in developing the Study Guide.

For further information about *Trusted Moments* please visit www.trustedmoments.com.au or contact the Legal Services Commission South Australia www.lsc.sa.gov.au

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About the Film

Trusted Moments was developed by the Legal Services Commission of South Australia to educate young people in the prevention of sexual assault through raised awareness of the importance of experiencing and enjoying relationships with their peers based upon consensual and respectful behaviour.

This short dramatisation draws attention to types of attitudes and behaviour patterns that can encourage or lead to sexual assault. The film also highlights the inherent legal risks associated with using mobile phones for producing and sharing sexually explicit images of young people.

Sexual assault remains one of the most prevalent criminal offences in Australia, despite the fact that only a small percentage of sexual assaults are ever brought to the attention of the police or the courts.

The impact of sexual violence can result in long lasting physical and psychological effects on victims, families and whole communities.

People who commit sexual offences can face serious legal and social consequences. A conviction in court can result in imprisonment and registration as a sexual offender with restrictions imposed on work, accommodation and travel. Those convicted may become socially isolated and be subjected to ridicule or hatred. The families of such people can also suffer from humiliation and guilt.

As one of the social groups most vulnerable to sexual assault, young people should be offered appropriate opportunities to explore and to gain a greater understanding of the issues surrounding their peer group social interactions.

Young people also have a role to play in changing cultural norms and values that may appear to condone and justify violence. Achieving attitudinal change through education is considered an important step towards reducing the incidence of sexual offending and victimisation in our communities.

Trusted Moments continues the work of the Legal Services Commission's highly successful legal-theatre project *Expect Respect!*, a sexual assault prevention initiative presented to more than four thousand young people in high schools and youth centres across South Australia.

Target Audience

The film is suitable for young people from 15 years of age. It includes some low level depictions of sexualised behaviour. While the film's primary audience is young people up to 18 years of age, *Trusted Moments* deals with issues that are relevant to older youth, parents, educators, and people working in the area of crime prevention with a focus on sexual assault.

Viewing the Film

Trusted Moments is a free resource that can be accessed by contacting the Legal Services Commission Youth Legal Education Officer on (08) 8111 5647. Further information about the film can also be found on the *Trusted Moments* website www.trustedmoments.com.au

On the website you will find a number of resources including the *Trusted Moments Study Guide* and links to research on sexual assault prevention education as well as contact details for key support services.

About the Study Guide

This Guide has been designed to encourage and support education about sexual assault prevention in a range of settings including schools, youth services and alternative learning environments.

Please take the time to become acquainted with this information, in particular the fact sheets, which aim to introduce young people to basic legal concepts and facilitate their participation in the suggested learning activities contained in the Guide.

Is it important to note that the legal information in the fact sheets relate to laws applicable in South Australia. Each State and Territory has its own legislation about consent to sexual activity and sexual offences, including criminal offences related to the sexual exploitation of young people through the use of mobile phones and the internet.

The law related to consent and sexual assault can be complex and highly technical, and the legal information contained in these materials should not be used as a substitute for specialist legal advice on these issues.

Please ensure that you find out about the applicable law in your State or Territory by contacting your local legal aid agency. The contact details for legal aid offices across Australia can be found in the *Trusted Moments* website.

Trusted Moments Legal Education Workshops

The *Trusted Moments* legal education workshops are designed to explore in more detail the legal issues raised by the film.

Facilitated by experienced legal education practitioners, the workshops provide a unique opportunity for schools, youth services and community organisations to engage young people and their staff in specialised early intervention education about laws dealing with sexual assault and other criminal offences.

For further information on *Trusted Moments* legal education workshops or a professional development seminar, please contact the Legal Services Commission Youth Legal Education Officer on (08) 8111 5647, or visit www.trustedmoments.com.au for further contact details.

For Schools and Youth Services

Schools and youth services are uniquely placed to engage young people in education about violence prevention.

Achieving attitudinal change around the issues of relationship and sexual violence requires time and ongoing commitment. Therefore it is critical that early intervention programs are provided through frameworks that can support their implementation over the long term.

The *Trusted Moments* website provides links to research on best practice frameworks for assault prevention education for young people in schools and alternative learning environments. Please take the time to review this material discussing key elements and issues for consideration by people wishing to undertake sexual assault prevention work with youth.

The following suggestions aim to assist schools and youth services to gain the most benefit from the use of *Trusted Moments* as an early intervention tool:

- Meet with staff and young people to introduce the resource and discuss ways to implement it in curricular and non-curricular areas
- Identify teachers or workers with a proficiency in legal studies, sexual assault prevention, sexual health or gender studies who can deliver the resource, or contact the Legal Services Commission to book a *Trusted Moments* workshop
- Explore options for staff professional development relevant to sexual assault prevention and child protection
- Review, update or develop your policy on sexual violence prevention and gender equality. Announce your policy and protocols to the whole school or organisation
- Review the legal requirements with respect to child protection and mandatory reporting, and assess the knowledge and awareness of your staff, providing training as required
- Together with school counsellors and health professional staff, discuss ways to incorporate (if not already in place) screening and referrals for sexual assault
- Provide students with ongoing youth-focused education about prevention of sexual assault, and encourage them to organise their own events and activities to promote respectful relationships
- Determine how best to respond to the needs of minority groups, including culturally and linguistically diverse youth, Aboriginal young people and young people with a disability
- Liaise with other schools or organisations in your area or region to organise joint forums featuring high profile speakers and youth advocates for sexual assault prevention
- Develop relationships with local agencies, e.g. community legal services, police, youth health and counselling services, and domestic violence support services.

Emotional Safety

To provide for the emotional safety of young people and the staff using the resource, the following strategies are suggested:

- Make sure the staff delivering the resource have the appropriate skills to do so. This is particularly important for creating a climate of trust, respect and cultural inclusion, and for facilitating appropriate interactions in mixed-gender group environments
- If you need support in delivering the resource, please contact the Legal Services Commission to organise a *Trusted Moments* workshop
- Let young people know that the film explores issues around consent, sexual assault and the use of mobile phones for producing and sharing sexualised images of young people
- Remind young people that they can choose not to participate in the session
- Before and after the film, encourage young people to seek support if they feel the need
- Make certain that your school or service can support young people who disclose issues concerning sexual assault, either by way of an in-house counsellor, or referral to a specialised service
- Become acquainted with relevant services, e.g. legal advice, sexual assault counselling, sexual health, support for victims of crime and Police. Please visit the *Trusted Moments* website for links to relevant support services.

Key Learning Objectives

The film and the suggested group activities that flow from it are aimed at acquainting young people with the following key concepts and issues:

- Sexual assault and rape are serious crimes
- Sexual violence is never OK
- The age of consent for sexual activity in South Australia is 17
- Pushing, forcing or threatening someone into sex is sexual assault
- It is unlawful for an adult to engage in sexual activity with a young person who is under their supervision, and who is under the age of 18
- The key ingredients for safe and healthy relationships are consent, respect, and communication
- Checking for consent is a personal responsibility
- Consent can be withdrawn at anytime, even in the heat of the moment
- People who commit sexual assault are the ones who are responsible for their violence
- Intoxication is never an excuse for sexual assault (including in the eyes of the law)
- Using mobile phones or the internet to produce, store or share sexually explicit photographs of young people may constitute criminal offences under child pornography laws

Group Activities

The following group activities should be undertaken in conjunction with the film and the **Fact Sheets** found at the end of the Guide and also available for download from the *Trusted Moments* website.

The purpose of the activities is to generate discussion about the importance of respect and consent within relationships, with the aim of helping young people recognise and prevent the types of behaviours and attitudes which may lead to sexual violence.

It is important that opinions be shared in a safe and respectful manner.

Depending on the number of young people in your group, you may want to break into several smaller groups.

Activity 1 Characters and 'Key Moments'

Explain to participants that an appropriate way to flesh out issues raised by the film is to look at the main characters and their behaviour at 'key moments' during the film.

This activity aims to focus on interactions between the main characters and whether or not they are seen to be behaving in a respectful and ethical manner.

The activity also considers the law. Have any of the characters committed a criminal offence? If so, what could be the implications?

The main characters are:

- Bianca ('birthday girl')
- Mel (Bianca's friend)
- Cody (Bianca's cousin)
- Nick (Cody's friend)
- Reece (mobile phone boy)
- Krystal (filmed in the toilet)

Focus on the following 3 'key moments'. Explain each 'key moment' to participants and then ask them to discuss the questions within their small groups. Invite small groups to report back their ideas to the whole group.

Key Moment 1:

The interaction between Bianca and Mel, when Bianca encourages Mel to take her top off.

- Describe what you see happening when Bianca encourages Mel to take her top off.
- Mel is clearly uncomfortable about taking her top off, what pressures do you sense she is under? Why does she not act on her 'gut instinct'? Is our own 'gut instinct' often a good guide for us on how we should behave or react?
- What responsibility do we have towards a friend's feelings and wellbeing? Do you think Bianca was aware, or cared about how vulnerable Mel was feeling without her top on?
- How could Mel have responded differently towards Bianca's suggestion? Does Mel's response to this incident impact on her confidence during the party?

Key Moment 2:

The reaction of party guests to Reece's film of Krystal in the toilet.

- Do you think Reece knew it was wrong to take a film of Krystal in the toilet? If so, why then did he take it? What pressures might he have been under?
- There are several different responses from the party guests upon seeing the film. What would be the most respectful thing that anyone could do?
- What do you think you would do if placed in this situation?
- How do you think this incident could impact on Krystal?
- What are the legal implications of taking the film and sending it out to others?

Key Moment 3:

When Nick closes the door behind him after following Mel into the bedroom.

- We do not know what goes on behind the bedroom door, but do you believe Nick's interaction with Mel leading up to this scene has been respectful?
- Give examples of his behaviour that indicate the respect (or lack of respect) he has shown for Mel?
- What do you think is likely to happen between Mel and Nick in the bedroom? What are other possibilities that could happen?

After participants have considered the possible options for what may occur between Mel and Nick, explain the following options and discuss related questions.

1. Sexual assault occurs. Nick decides to touch or have sex with Mel without her consent

- Do you think Nick believes his behaviour is OK?
- What may have led Nick to thinking that this behaviour is OK?
- What are the legal implications for Nick?
- What do you think might be the impact on Mel? If Mel experienced a sexual assault, where could she go for support?

2. Consenting sex occurs. Mel says yes to sex with Nick, but she really didn't want to.

- Why might this occur?
- What pressures might Mel be under?
- What could Mel, Nick, Cody, Bianca or others at the party have done to avoid this happening (short or long term)?

3. Nick realises Mel is not interested in sex. He respects her decision.

- What impact would this have on the future of the relationship?
- How may Nick and Mel be feeling?

4. Consenting sex occurs. Nick and Mel agree to have sex and there is no pressure.

- Was there any indication in their previous interactions that this would be the likely outcome?

Summing up:

Within all relationships every person has the right to feel safe, and have their privacy respected and be treated with respect.

Peer pressure can significantly impact on a person's capacity to make their own choices or to treat others with respect.

Peer pressure can increase a person's vulnerability, and can also place pressures on them to take unnecessary risks.

Activity 2 Understanding Consent

Consent lies at the very heart of safe, healthy and respectful relationships. Importantly, consent is also a fundamental requirement for lawful sexual behaviour, and it is an important legal instrument for protecting children against sexual abuse, exploitation or manipulation.

Use the **Consent Fact Sheet** to answer the following questions:

- What does consent mean?
- Why is consent important?
- What is the age of consent in South Australia? (or in your State or Territory)
- In what types of situations are people deemed unable to consent to sexual activity according to the law?
- How could a person go about giving and seeking consent?

Acknowledge that checking for consent can be tricky, especially when people are just getting to know each other and might be feeling nervous. Help the group identify the following elements:

- Consent can be expressed verbally or with body language
- Consent is about knowing what you and your partner want and being clear about each other's boundaries
- Sexual activity can make people feel nervous or awkward when talking about it; this is normal
- Pressuring people into sex is morally wrong and against the law
- A person does not have to physically resist to demonstrate that they did not consent
- It is the responsibility of the person seeking consent to be 100% sure that the other person wants to be sexual
- If a person is silent, looking away or crying, then something is not right
- Be respectful, don't push things.

Summing up:

Consent means freely and voluntarily agreeing to have sex, or to engage in other sexual behaviours such as touching, kissing or fondling.

Having sex or sexual activity with a person who is not consenting is a serious criminal offence.

Consent must never be assumed e.g. because a person said yes before, or because they have a reputation for having had sex in the past, or because they are acting or dressing in a way that someone thinks is sexy.

Activity 3 Sexual Assault Explained

Sexual assault is a term that is used to refer to a number of criminal offences involving sexual behaviour that makes a person feel uncomfortable and threatened, and to which the person has not consented.

Young people, girls and women are most vulnerable to this type of criminal offence.

Using the fact sheets **What is Sexual Assault?** and **Sexual Assault Law** answer the following questions:

- What is sexual assault?
- What criminal offences are considered sexual assault?
- Can you think of beliefs and values present in today's society that some people may think justify or excuse sexual violence?

- Where, or in what circumstances, might we see these values represented more frequently?
- What could be the legal consequences of sexual assault?
- What might be the social consequences of sexual assault?

Summing up:

Sexual assault is both an abuse of power and criminal behaviour. It can attract serious legal consequences. There is no excuse for sexual assault, and a victim of sexual assault can never be blamed for the assault. People who commit sexual assault are 100% responsible for their actions. Intoxication (e.g. being drunk or under the influence of drugs) is not a defence to a charge of sexual assault.

Activity 4 Mobile phone and online safety

Mobile phones and online social networks are increasingly being used by young people as vehicles to develop intimate relationships and explore sexuality. This is a normal aspect of growing up.

However, these same communication tools are also being used to sexually exploit, harass and bully people. Young people need to be aware that using phones in this manner not only exposes them to many safety risks but can also constitute criminal offences.

People who produce, store and share sexually explicit photos of young people under the age of consent (17 in South Australia), or who appear to be under the age of consent, can be charged with a criminal offence under child pornography laws, even if those young people had agreed to have their photos taken.

Use the **Mobile Phone and Online Safety** fact sheet to answer the following questions. Refer your class to the events in the film which allude to using phones in this way.

- What are the risks of taking and texting sexual photos of yourself or other young people?
- What are implications of this type of behaviour for people's safety and privacy?
- Do you think peer pressure plays a role in this type of behaviour?
- Why do you think laws prohibiting the production of sexualised material of children are important?

Summing up:

Taking, storing or sending sexualised pictures of young people, or yourself, can constitute criminal offences under State and Commonwealth child pornography legislation. Think carefully before you take or send photos of yourself or of your friends even if they agree.

Remember that people who are found to be in possession of sexualised images of young people will be investigated by police and may be charged with a criminal offence.

Consent Fact Sheet

The age of consent for sexual activity in South Australia is 17. This means that people who are 17 can legally consent to sexual activity. It also means that it is unlawful to have sex with a person under 17, even if they agree.

It is also unlawful for an adult in a position of trust, such as teacher, coach or guardian, to engage in sexual activity with young people for whom they care, unless they are 18 years or older.

Each State and Territory in Australia has its own laws about the age of consent. It is important that you check what the law is in your State or Territory.

The meaning of consent

Consent means to freely and voluntarily agree to sexual activity. It also means taking responsibility to ensure that the person you are attracted to is comfortable and agrees to go further.

If someone is manipulated, threatened or forced into sex, or if they are so intoxicated that they don't know what is going on, then they are not consenting.

Each and every time you do anything sexual, ranging from touching and kissing, to having sex, you must always have the other person's consent, from beginning to end.

Never assume that a person is consenting because they have said "yes" at other times, or because of their reputation, or the way they act or dress.

How do you give or get consent?

Checking for consent can sometimes be tricky, especially if you are getting to

know someone and might be feeling nervous. The safest way to make sure there is consent is to talk about it and to look for body language. If the person with whom you want to be sexual is silent; still; looking worried or crying, then something is not right. Always check, be respectful and don't push things.

Just because

- someone consents to kissing, doesn't mean they consent to all sexual activities
- you want to go further, doesn't mean the other person has to
- you had sex with someone before, doesn't mean they want to do it again
- someone is flirting with you, doesn't mean they necessarily want sex
- people think you should do it, doesn't mean you have to.

Remember

Whether you have just started to date someone or you have been in a relationship for a while, the rules about consent stay the same:

- consent can't be assumed; always check, talk about it, and look for body language
- you can withdraw your consent at anytime, even in the heat of the moment
- being sexual with someone without their consent is sexual assault.

If you need further information or support please speak to a trusted adult. For confidential legal advice, contact the Legal Services Commission SA, or a legal aid office in your State or Territory.

What is Sexual Assault? Fact Sheet

Sexual assault refers to any sexual behaviour that makes a person feel uncomfortable, frightened or threatened, and to which the person does not consent.

Criminal offences such as rape, unlawful sexual intercourse (sex with people under the age of consent) indecent assault, trying to obtain sex through threats and false pretence, and child pornography are forms of sexual assault.

Depending on the offence, sexual assault can result in hefty legal penalties such as imprisonment, and registration as a sexual offender. A criminal record for sexual assault can seriously affect a person's relationships, career and work options and travel prospects.

Why does it occur?

Sexual assault is an ongoing social problem that continues to affect many people. Sexual assault occurs because of long standing cultural norms and beliefs that tend to support or justify sexual objectification and violence.

All forms of sexual assault are an abuse of power, occurring when someone takes advantage of another person's vulnerability. It is important to remember that being vulnerable does not make the victim responsible for the sexual assault. The victim is never to blame.

Reasons that may increase a person's vulnerability include:

- being young
- experiencing peer pressure
- being intimidated or scared
- being nervous or embarrassed
- being isolated from friends or family
- having low self-esteem

- having a disability
- being intoxicated

Statistics on reported sexual assaults across Australia show that young people aged 10 to 24 years are the group most affected by sexual assault. Statistics also show that 85% of victims are female.

However, a significant number of sexual assaults are never reported, and only a small proportion of sexual assault cases brought before the courts result in convictions.

Sexual assault is indeed one of the hardest crimes to prove in court, as it is often a case of the word of the victim against that of the alleged offender. The fact that about 60% of sexual assaults occur in domestic settings, perpetrated by someone known to the victim, account for this reality.

What you can do

You can become part of the solution to the problem of sexual violence by helping to change the attitudes, behaviours and stereotypes that lead to sexual objectification and violence. Learning about your legal rights and responsibilities will also help you know where you stand. It is also important, if you feel that it is safe to do so, that you offer support to friends who need it.

Remember

If you need help, there are number of services providing specialised services. Approach your school or a trusted adult to help you identify the services which are most helpful to you. For legal advice contact the Legal Services Commission SA, or a legal aid service in your State or Territory.

Sexual Assault Law

Fact Sheet

Sexual assault is a serious trespass on one of the most fundamental rights that a person can have. The physical and psychological impact of sexual assault on people can last for many years and also can affect families and entire communities.

The law of rape and sexual assault is complex and technical. Each State and Territory in Australia has its own laws dealing with sexual assault offences, which include rape, indecent assault and sexual activity with people who are under the age of consent.

The information contained here is about the laws applicable in South Australia, which you can find in the *Criminal Law Consolidation Act SA 1935* under Division 11.

This fact sheet is to provide you with some basic legal information. If you need specialised legal advice or support, you are encouraged to contact the Legal Services Commission SA, or a legal aid service in your State or Territory.

The Law: things you need to know

- The laws of sexual assault apply equally to men and women
- Children as young as ten years old can be charged with a criminal offence
- It is against the law to have sex with a person under the age of consent (17), even if they agree

- Having sex with a person without their consent, or after they have stopped consenting, is rape
- Touching or fondling someone without their consent, or after they have stopped consenting, may constitute indecent assault
- Consent can be withdrawn anytime, even in the heat of the moment
- Forcing someone to have sex with another person is a crime
- Grooming a person under the age of consent for the purpose of sex or sexual gratification is a crime. This also applies to online or phone grooming
- It is unlawful for an adult to have sex with a young person under their supervision who is under 18 years of age
- Taking, sharing or posting sexualised photos or videos of yourself or other people under the age of consent may be a crime under child pornography laws
- Producing and distributing photos or videos of people engaged in private acts (e.g. having a shower, in the toilet) without their consent may constitute a criminal offence.

Remember

Keep informed about the law so that you know where you stand. If you need support or advice, speak to a trusted adult. For confidential legal advice, please call the Legal Services Commission SA or a legal service provider in your State or Territory.

Mob Phones and Online Safety Fact Sheet

Mobile phones, the internet and social networks have changed the way we communicate, share information and learn about the world around us. Staying in touch with family and friends via text or social networks are some of the many advantages of today's communication technology.

However, mobiles phones and online social networks are also increasingly being used for bullying and harassment, and for producing and sharing sexualised images and videos.

These are issues that particularly affect young people, and put them at risk of victimisation and sexual exploitation, or alternatively, going to court charged with a criminal offence.

What is 'sexting'?

Sexting is a term that refers to taking and sending sexual images of yourself or of other people via text or email, and includes posting sexualised material on the internet or social networks.

Are sexualised images against the law?

In South Australia, producing, sharing or collecting sexualised images of young people who are, **or look as if they are** under 17, may constitute child pornography.

Each State and Territory in Australia has its own laws dealing with the sexual exploitation of young people. There is also Federal law designed to stop people from using internet and mobile phone providers to download, post or share sexualised images of children.

People found guilty of child pornography charges by a court of law can face serious legal consequences. If you are not in South Australia, find out about the laws in your State or Territory by contacting your local legal aid agency.

Remember

Think carefully before you decide to take and send sexual images to other people, especially if you feel under pressure to do so.

If an image or film is sent to your phone or email:

- do not keep it. Delete it straight away
- do not pass it on or post it
- if you know who sent it, tell them to stop
- if they continue to send you images, speak to a trusted adult or police.

Never send on an image or film that someone has sent to you in trust. Be respectful.

If you keep material that may be considered to be child pornography in your phone or on your computer, even if you did not ask for it, you can still get into trouble with the law.

The law relating to these areas can be complex. If you are unsure about the matter, seek advice and support. You can contact the Legal Service Commission SA or your local legal aid agency for confidential legal advice.

For further information about Trusted Moments or to book a legal education workshop for your school community or organisation please visit www.trustedmoments.com.au or contact the Legal Services Commission of South Australia www.lsc.sa.gov.au

For free and confidential legal advice over the phone or by appointment call 1300 366 424

Law Handbook Online www.lawhandbook.sa.gov.au

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