

Questionnaire

What do you believe? Tick the appropriate box.

Is it okay for a man to pressure / force a woman to have sex with him if...

	Never OK	Maybe OK	OK
She is wearing revealing clothing?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
She is stoned or drunk?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
He spends a lot of money on her?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
They have been going out together for a long time?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
She has had sexual intercourse with other men?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
She allows him to touch her above the waist?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
She allows him to touch her below the waist?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
She says she will have sex with him but changes her mind?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
He is really turned on?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
She has had sex with him before?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Definitions of rape

Current for South Australia as of June 2013

In South Australia rape is legally defined as sexual intercourse with another person without that person's consent. Either:

- a) knowing that the other person does not consent to have sexual intercourse; or
- b) being recklessly indifferent as to whether the other person consents to sexual intercourse.

This behaviour constitutes rape, even though the survivor/ victim offers no physical resistance to the assailant.

These laws were amended in November 2008 to make it clear that sexual activity is not consensual if:

- > obtained by force or threats;
- > the victim is asleep or unconscious;
- > the victim is too intoxicated to agree;
- > the victim was unable to understand the nature of sexual activity;
- > the victim was mistaken about the identity of the person they were having sex with; or
- > the victim was being unlawfully detained.

In short, consent to sex must be given freely and voluntarily, not assumed.

Where the other party has not consented, sexual intercourse involves sexual penetration of the vagina, mouth and/or the anus by the penis, any part of another person's body or by any object. Sexual penetration also includes oral sex.

Under the definition, the term rape includes the rape of men and boys, women and girls, anal and oral rape as well as rape in marriage.

In South Australia consent to sexual intercourse cannot be given by anyone under the age of 17 and therefore is considered unlawful sexual intercourse.

Date rape is forced, manipulated or coerced sexual contact to a person by someone they have agreed to socialise with. It is a common form of acquaintance rape and is most common in teenage and young adult years where young women are at most risk.

**Summary of current laws and penalties
for sexual offences in South Australia**
Source: the Law Handbook 1995

Current as of June 2013

Classification	Offence	Maximum Penalty
Rape	Vaginal, oral or anal sexual intercourse with another person without their consent.	Life Imprisonment
Sexually Assaulting Intellectually Disabled People	Vaginal, oral or anal intercourse with a person deemed to be so intellectually impaired or mentally deficient as to not understand the nature or consequences of the act.	10 Years Imprisonment
Sexual Abduction	A person who abducts or detains someone for sexual intercourse.	14- 18 years Imprisonment
Procuring Sexual Intercourse	Any person who organises any other person to have sexual intercourse with another person by threats, intimidation, fraud or false pretences.	7-10 years Imprisonment
Child Sexual Assault	Vaginal, oral or anal intercourse with a person under the age of 14 years. Vaginal, oral or anal intercourse with a person above the age of 14 and under 17. Vaginal, oral or anal intercourse with a person under the age of 18 by a person in authority i.e. teacher, principal, psychologist, employer etc	Life Imprisonment 10 Years Imprisonment 10 Years Imprisonment
Indecent assault	Any form of sexual contact or the threat of sexual contact. Indecent Assault of a person under the age of 14 years. Indecent Assault of a person aged 14 or over.	10 Years Imprisonment 8 Years Imprisonment
Incest	Vaginal, oral or anal intercourse between persons related either as parent and child, grandparent and grandchild or brother and sister, can include foster parents, adoptive parents, step brothers and sisters	10 Years Imprisonment

Note: Each listed offence is named as a 'count' and an offender may be charged with multiple counts. The judge in the case can order that the penalties be served consecutively i.e. add up or concurrently i.e. at the same time.

Phil and Cindy

The same story but from two different points of view.

Phil's story:

"I still don't understand what happened. Cindy and I had been dating for about two months and while we had not slept together yet, I had certainly made it clear that I was very attracted to her and eventually expected to have sex with her.

We were supposed to go to a party and when she showed up in this sexy low-cut dress I thought maybe this was her way of saying she was ready. At the party we drank some beer, which made her sort of sleepy and sensual.

When she said she wanted to go lie down and have me come snuggle with her, what was I supposed to think? Of course I thought she wanted to have sex. Granted, she did grumble a little when I started to undress her but I just figured she wanted to be persuaded. Lots of women feel a little funny about being forward and want men to take responsibility for sex. I don't know. We had sex and it was fine.

I took her home from the party and I thought everything was OK. But ever since then she refuses to talk to me or go out with me. I thought she really liked me. What happened?"

Cindy's story:

"I'll never forget that night as long as I live. Phil and I had been dating a while and he had always acted like a perfect gentleman - well, we had done our share of kissing but he never gave me any reason not to trust him.

The night of the party I wore this gorgeous dress that I borrowed from my housemate. It was a little lower than I normally wear but I thought it looked good. At the party I had some drinks and it made me really tired so I wanted to lie down.

Maybe I shouldn't have suggested we both lie down together but it felt weird to just go upstairs by myself and leave Phil all alone. The next thing I know he was all over me, forcing me to have sex with him. It was horrible. I didn't want to scream and make a fool of myself with all those other people in the next room. I tried to fight him off but he was just too strong.

I never want to see Phil again. He seemed like such a nice guy. What happened?"

Amy and Josh

The same story but from two different points of view

Amy and Josh have been going out for ages. They enjoyed seeing each other every day and when they weren't together they were always on the phone to each other.

Josh's story:

"I really wanted to have sex with Amy but she had said that she wasn't ready yet. I'd been waiting for ages and I didn't think I could stand it for much longer. She enjoyed kissing and touching me but never wanted to go further.

Last night I took her out to the movies and then out partying to her favourite place. I bought her lots of drinks and drove her home to my place. We snuggled up on my bed and she told me that tonight we could finally have sex. I was really excited and I told her that I had a condom ready.

We undressed and cuddled up under the blankets together. I started to touch her and felt really close to her. When we were just about to do it she said she was scared about going on. I told her everything was fine and that I loved her lots. She still said she wasn't sure that tonight really was the best time to do it. I started to feel pretty frustrated – it wasn't fair she changed her mind. I've been really patient with her and we should be having sex by now. She said she still didn't feel right. I told her I couldn't stay in a relationship forever if she kept playing games with me. She became all worried about me leaving her and agreed to have sex with me.

After I finished it was great. The only trouble is Amy seems as though she's avoiding me now. How can I convince her to do it again? What happened?"

Amy's story:

"I really love Josh and I don't want to lose him. He took me out to the movies and then dancing and spent a fortune on drinks just for me. I was feeling a bit drunk on the way back to his place. I thought I wanted to have sex with him.

I've always wanted my first time to be special. I knew that Josh wanted to have sex with me ages ago, but I just wasn't ready.

We snuggled in his bed together and then instead of enjoying it I got scared. I knew he would be disappointed when I told him I'd changed my mind. Then when he said he would leave me, I thought this could be the end. All my girlfriends say that I would be an idiot to lose him. So we had sex but I didn't feel good about it. Every time I think about it, I feel sick. What do I do when I see him at school?"

John and Jenny

John and Jenny had been hanging out in the same group since year 8. But John was moved into Jenny's homegroup at the beginning of this year so they'd started hanging out alone more at recess and lunch. On Tuesday Mary saw John and Jenny holding hands at lunch, she waited until she'd got Jenny alone in English and asked her what was going on. Turns out John had asked Jenny out on Monday, Jenny seemed heaps excited about it.

On Friday:

Jenny and John are waiting in the canteen line, holding hands

Jenny: "Can we swap sides?"

John: "Yeah, why?"

Jenny: "Ah, nothing, this side is way more comfortable."

John: "Cool. Hey, you know cricket has been cancelled cause of the rain tomorrow, I was wondering if you wanted to go to the movies?"

Jenny: "Yeah, I've got something on in the morning but any time after 11 is cool."

At the movies:

Jenny spent ages getting ready and was really excited when she met John at the movies on Saturday. They got a seat at the back and the cinema was pretty empty so it wasn't long before she leant over and kissed him. They were making out for a while before John started kissing her neck, it started to hurt a bit and she was worried she was going to get a hickey. She shifted in her seat a bit, and they went back to kissing until he started to do it again. Jenny whispered, "Not that, I don't want Mum to see".

Jenny went back to watching the movie but when John went to hold her hand she moved it away. They both watched the movie for a while before Jenny moved to kiss him on the cheek. They started making out again when she felt John's hand on her top. It felt kind of nice but she didn't want to get too carried away and was worried someone might see - so she moved his hand, and sat up straighter. He didn't seem to get it though, because it wasn't long before he started touching her again. She really wasn't enjoying it and shuffled in her seat, again. By the end of the movie she'd had enough and when John asked if she wanted to get some food she lied and said she had to go home.

Alice and Caz

Alice and Caz have been dating for a couple of months and Alice has been really happy with how things have been going between them. Caz always has loads of great ideas in bed and Alice, having only been with men before is really enjoying their time together.

One night after they'd been out at the pub with friends, they wind up back at Caz's house. Alice is feeling tipsy when Caz says "Hey, I've got a surprise for you!" and Alice sees her waving handcuffs and a scarf around. Before she knows it, both Alice's hands are cuffed to the bedhead and Caz is undressing her. Alice feels a bit uncomfortable and says "Um, Caz, I'm not sure . . ." Caz says "Come on, baby, live a little." Alice feels like a prude so she just lets Caz go and tries to get into it. After some kissing and touching, Caz trails the scarf up and down Alice's body, which tickles and so she wriggles away from it. Caz ignores this and starts to fold the scarf over Alice's eyes. Alice decides she's had enough and says "Just fucking stop it, OK! Let me go, I'm going home." Caz is pretty surprised but also a bit offended, she says "I thought you liked me!" and undoes the cuffs. Alice gets dressed, calls a taxi and heads off home without speaking to Caz again.

Sean and Niko

Sean is new to university and new to being open about his sexuality. He grew up in a strict religious household where he knew his sexuality would never be allowed to be discussed. He's really looking forward to making a new start and getting into uni life where he hopes to find people more accepting. At the O'Week BBQ Sean meets Niko, a third year, who invites him to come out that night to the pub for drinks with some friends. Niko is really hot and Sean is pretty excited that he might have a chance.

At the pub that night, Sean meets up with Niko and two of his friends, Alby and Jake. They are already a bit drunk and are happy to chat and Sean finds out that they are doing the same degree as him. Niko is being flirty and talking about a club they might go to later. Sean offers to drive them all but Alby and Jake insist that he has a few drinks and to leave his car behind. Niko tells them that he's going to the bar. He leans over and whispers in Sean's ear, "I'll have something special for you when I get back." Alby notices this and says to Sean: "Watch out, Niko likes fresh meat". Sean grins, feeling nervous but excited at the same time. When Niko gets back, he hands Sean a small pill wrapped in paper and puts his hand on Sean's leg: "A little present for the new boy – this will get you in the mood for a good night." Sean doesn't want to look like he is inexperienced, so doesn't ask what it is, instead he swallows the pill with his beer.

A couple of hours later, Sean is at Niko's place. He is feeling really chilled and happy. Niko stands above Sean, and removes Sean's shirt. Before Sean knows it, he is in Niko's bed and they are having sex. He can't remember if Niko put a condom on or not, but he knows it's already too late and he doesn't want to ruin his first time by asking about it. Sean doesn't feel as worried as he thinks he should.

The next morning is awkward between Niko and Sean. Sean's head is pounding and he is feels too uncomfortable to ask about last night. Niko seems a little distant as he says to Sean "Yeah, we should catch up again soon – hey, I've gotta be at work in an hour so maybe you should go." Sean gets the message and gets dressed. He leaves Niko's house and catches a taxi to get back to his car. It wasn't how Sean expected his first time to be, but figures that's how it is.

Things can change! Men

- > Listen to women; give them the chance to express their feelings about rape. Learn from their experience. Talk to women more about their ideas on how to stop sexual violence in relationships.
- > Ask women what they want in relationships. Don't assume you know what another person wants whether in sex or otherwise.
- > Accept the responsibility not to harm another person. Work on your own relationships with women and men.
- > Examine your own attitudes. Many men say they are against rape and yet believe it is OK to force sex under certain circumstances.
- > Think of rape as a serious issue. Report abuse and interrupt harassment.
- > Refuse to join in jokes or conversations that make out women or men as sexual targets. Never make rape and sexual violence out to be okay. Challenge conversations and behaviour by men about 'scoring' women. Support your friends and family to be safe from sexual harassment and rape.
- > Speak out against rape. Talk about it with other men and show that men are also against the rape of women, men and children.
- > Make the community safer for women to participate fully without fear of rape. This includes ensuring that the school environment is safe from sexual harassment and rape. Support men's and boys' sporting clubs to take a stand against the rape of women, children and men.
- > Don't buy magazines, rent videos or buy music that portray women or men in sexually degrading or violent ways.
- > Support survivors of rape. Believe them. Listen to them. Comfort them if they ask. Support them to make their decisions about what to do next. Be patient and understanding. Help them to feel safe and get professional help if they want it. Let them know they are not to blame for what has happened.
- > Support agencies that help rape survivors such as sexual assault centres and rape crisis centres, whether they are for adults or children. Support increased funding for better services for all people who have been raped.

Things can change! Women

- > Think of rape as a serious issue.
- > Understand that you can be a part of stopping it.
- > Interrupt violence supportive jokes/conversations.
- > Support your friends to be safe – check in with them if you're not sure.
- > In relationships, talk about what you both want and decide things as equals.
- > In sex, talk about what you both want but recognise that if one person doesn't want something, it is off limits. Respect each other, even if the sexual part of your relationship ends.
- > Don't support, like or buy things that are degrading to men or women. Don't buy magazines, rent videos or buy music that portray women or men in sexually degrading or violent ways.
- > Support people if they have been raped. Believe them and help them in ways that are safe for you and them. Be patient and respect their decisions, even if they are different from what you think should happen.
- > Make sure that friends, family and people at school know you believe rape is always and only the fault of the rapist, it is never the victim's fault (e.g for being in the wrong place, wearing or saying the wrong thing).