

## Fact Sheet

# Sexual Assault and Queensland Law – what is Sexual Assault

## What is Rape?

- Any offender who rapes you has committed a crime; the maximum penalty for this crime is life imprisonment:
  - Sexual intercourse without consent is rape
  - Oral sex without consent is rape.

## What is Sexual Assault?

- Sexual assault is any unwanted or forced sexual act or behaviour without consent. It covers a broad range of sexual activity:
  - Without lawful reason, the offender indecently assaults a person (ie groping, inappropriate touching of a sexual nature); or
  - The offender procures a person without your consent, to commit an act of gross indecency (ie a person performs a sexual act on the offender).

## What is Consent?

- Consent must be freely and voluntarily given by a person with the cognitive capacity to do so. Consent is not freely and voluntarily given if you:
  - Are under force
  - Are unconscious or asleep
  - Are under the influence of drugs or alcohol
  - Are under threat or intimidation
  - Are in fear of bodily harm, or
  - Have a mistaken belief that the offender was a person's sexual partner.

<http://www.police.qld.gov.au/programs/adultassault/adultasslt.htm>