

# Stealthing

## The law about rape has changed, what is different?

The Tasmanian Government has recently changed the *Criminal Code* to make it clear that a practice called “stealthing” is rape.

This has been done to send a strong message to the community that this activity will not be tolerated and will be punished.

## What is “stealthing”?

Stealthing is when a person deliberately does one of three things against the wishes of a person they have sex with:

- Doesn't wear a condom
- Removes a condom
- Damages a condom.

It doesn't matter if these things are done before sex, or during it. But the person who wants a condom to be used must first have let the other person know this, by saying or doing something.

## Is stealthing a crime?

The change to Tasmania's law makes it clear that “stealthing” is rape.

Stealthing is rape because a person has agreed to have sex because a condom will be used. If no condom is used, or if the condom is deliberately removed or damaged without the person knowing and agreeing, then there is no consent to that type of sex and the act is rape.

Rape is a very serious crime and attracts long jail sentences. The maximum sentence is 21 years in jail.

## What is the effect of stealthing?

Stealthing can result in unplanned pregnancy and the transmission of disease. It can also cause ongoing mental harm.

## What should I do if I have experienced stealthing?

If you have experienced a sexual partner damaging or removing a condom against your wishes you should consider contacting Tasmania Police as soon as possible to make a complaint.

You can attend the Emergency Department at a hospital for a forensic examination which will enable evidence to be collected and recorded and then used in a potential prosecution.

It may be important to retain any evidence that you have (e.g. the damaged condom or take a note of what you or someone else said or did).

We recommend contacting the 24-hour Sexual Assault Support Service that can assist you with support and advice on 1800 697 877.

## What will happen to me if I damage a condom or remove it on purpose?

If you commit stealthing, you are having sex without the other person's consent which is the serious crime of rape.

If you are found guilty of rape by removing or damaging a condom on purpose:

- It is highly likely you will receive a criminal conviction and a lengthy jail sentence.
- Many employers require criminal history checks which may prevent you finding employment. You may not be able to work in any profession or workplace that requires its employees to have a working with vulnerable people card.
- You could be added to the "community protection register" which means you will have many ongoing requirements even after you have served your sentence. This registration means you will have to advise the police of your addresses, phone numbers, social media accounts, passwords and all interactions you have with young people.