

Stealthing

Anyone can talk to a lawyer for free at Tasmania Legal Aid.

To get free legal information call 1300 366 611, drop into an office (no appointment necessary) or use the Legal Talk chat function on our website. We are open Monday to Friday, 9am to 5pm.

A lawyer can listen to your story and help identify the next steps you can take.

Stealthing is when a person deliberately doesn't wear a condom, removes a condom, or damages a condom against the wishes of a person they have sex with.

Is stealthing a crime?

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 keep 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 help 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, various things could happen.

- It is highly likely you will receive a criminal conviction and a lengthy jail sentence.

- Many employers ask for 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 tell the police your addresses, phone numbers, social media accounts, passwords and all interactions you have with young people.

This is written for people who live in or who are affected by the laws of Tasmania, Australia. The law changes all the time – this information is not legal advice. If you have a legal problem, you should talk to a lawyer before making a decision about what to do.