

## SEXTING AND CYBER-BULLYING

This fact sheet deals with sharing information online or on mobile phones and how the law can protect you if you are bullied or if you feel unsafe.

This information sheet details laws in Victoria as at **November 2012**.

### SEXTING OR POSTING SEXUAL IMAGES ONLINE

#### *☞ What is sexting?*

Sexting is when someone sends a text message with an image or video of themselves or someone else naked or posing in a sexual way .

#### *☞ When is it illegal to sext or post sexual images online?*

If you take, keep, text, email, post or share sexual images of someone under 18 you could be charged with child pornography offences.

#### *☞ What makes something child pornography?*

Child pornography includes any film, photograph, publication or computer game that shows a person who is under 18 or who looks under 18 performing a sexual act or posing in an indecent sexual manner.

What is 'indecent' depends on what most people would find indecent, so that could even include posing in underwear, for example.

#### *☞ What are the penalties?*

The penalties for sexting child pornography images or videos are very serious and can affect the rest of your life.

Besides a possible jail term, you must be registered as a sex offender if you were 18 or over at the time of the offence.

Even if you were under 18, the court can order that you be registered as a sex offender if they think it necessary.

#### *☞ What should I do if someone sends me an illegal sext or other child pornography?*

- DON'T keep, forward on or upload the photo
- delete the photo immediately
- block the person who sent you the photo and tell them to stop

### CYBER BULLYING

***Cyber bullying is harmful and in extreme cases can lead to suicide. If you are experiencing bullying, speak to a parent, someone you trust, or contact one of the services listed below.***

#### *☞ What is cyber bullying?*

Cyber bullying is when a person uses mobile phones, Facebook or other internet sites to send messages or post photos to humiliate you or make you feel afraid.

#### *☞ What can I do if I am being cyber-bullied?*

- block the person
- keep a copy of texts, emails or posts
- report it to your school, education provider or workplace (if relevant)
- report it to your ISP and/or phone provider or website administrator
- report any sexts or sexual images of under 18s or threats to your safety to the police (see next)

### GOING TO THE POLICE

Police can investigate someone if they are sexting or cyber-bullying in ways that involve criminal activity, such as:

- stalking
- threats to kill or harm someone
- breach of an intervention order
- child pornography (see above)

***Disclaimer:*** The material in this fact sheet is intended as a general guide only. You should not act on the basis of this information in this fact sheet without first getting legal advice about your own particular situation.

If you are the victim of a sexting or cyber-bullying crime, or you want to help someone who is, you can make a report to your local police station.

Depending on how much evidence they find, police may then charge the person responsible and you may have to give evidence against them in court.

### GETTING AN INTERVENTION ORDER

If someone is making you feel threatened, harassed or unsafe, you can apply for a personal safety intervention order in the Magistrates Court or the Children's Court (depending on the age of the other person) to protect you.

Police may also make an application on your behalf but most often people apply for their own intervention order.

If you want to take this option, you should speak to a lawyer first (see below).

#### *Is an intervention order the best way of dealing with the problem?*

If the behaviour is less serious, the courts encourage people to try mediation before applying for an intervention order. If you feel safe talking to the other person about the problem and they agree to try mediation, you can contact a mediation service to organise a session. A court may also direct you to try mediation before they make a final decision about your intervention order application.

To find out more about mediation, contact the Dispute Settlement Centre of Victoria on 1800 658 528 or go to [www.disputes.vic.gov.au](http://www.disputes.vic.gov.au)

### INFORMATION AND SUPPORT

For more information about cyber-bullying or how to get help dealing with the problem, go to:

#### **Kids Helpline**

A free, private and confidential counselling service for young people age 5-25

☎: 1800 551 800

🌐: [www.kidshelp.com.au](http://www.kidshelp.com.au)

#### **Cybersmart**

Information about how to stay safe online for children, teens and parents

🌐: [www.cybersmart.gov.au](http://www.cybersmart.gov.au)

#### **Bullying. No way!**

A website created by Australia's school community to address bullying for students, parents and teachers

🌐: [www.bullyingnoway.com.au](http://www.bullyingnoway.com.au)

### GETTING LEGAL HELP

#### **Youthlaw**

If you are under 25, you can get free and confidential legal advice.

For more information or to speak to a lawyer:

☎: (03) 9611 2412 (9am-5pm, Mon-Fri)

🌐: [www.youthlaw.asn.au](http://www.youthlaw.asn.au)

#### **Victoria Legal Aid - Legal Help**

For legal information, referrals or appointments.

☎: (03) 9269 0120  
1800 677 402 (country callers)

🌐: [www.legalaid.vic.gov.au](http://www.legalaid.vic.gov.au)

