



Disclaimer: the material in this fact sheet is intended as a general guide only. You should not act on the basis of the information in this fact sheet without first getting legal advice about your own particular reason. The information is based on the laws in Victoria as of July 2020.

CYBER-BULLYING

BEFORE WE START – IF YOU NEED, SPEAK TO SOMEONE NOW

Being bullied can make you feel upset, vulnerable or afraid. It can even lead to mental health problems like anxiety or depression. Get support as soon as possible. Talk to someone you trust like a family member, friend or a counsellor.

You can get **24-hour free confidential counselling and support** by calling:

Kids Helpline (for young people age 5-25)

Phone: 1800 551 800

Website: www.kidshelpline.com.au

Lifeline

Phone: 13 11 14

Website: www.lifeline.com.au

INCLUDED IN THIS FACT SHEET ARE:

BEFORE WE START – IF YOU NEED, SPEAK TO SOMEONE NOW

What is Cyber-Bullying?

When is Cyber-Bullying become illegal?

What can I do if I am being cyber-bullied?

Applying for an Intervention Order

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

More Information

Getting legal help

WHAT IS CYBER-BULLYING?

Cyber-bullying is when a person uses technology to, or intend to, hurt or intimidate another person. For example, cyber-bullies might use mobile phones, websites, emails or social networks like Facebook, Instagram, TikTok or Snapchat to humiliate you or make you feel afraid.

A cyber bully can be somebody you know, or even somebody whose identity you don't know.

WHEN IS CYBER-BULLYING BECOME ILLEGAL?

Cyber-bullying can be a criminal offence if it involves behaviour like:

- stalking;
- doing or saying things likely to cause someone physical or mental harm (including self-harm)
- threats to kill or harm someone;
- breach of an intervention order;
- sharing or threatening to share a naked or sexual photo or video of someone else, unless they are 18 or over and they consent (see Sexting fact sheet); or
- making, sharing or possessing child pornography (see Sexting fact sheet).

WHAT CAN I DO IF I AM BEING CYBER-BULLIED?

You can:

- block the person;
- keep a copy of emails, messages or posts;
- if you are under 18, you can report the cyber-bullying to the eSafety Commissioner;
- report it to your school, education provider or workplace (if relevant);
- report it to your ISP (ie Internet Service Provider) and/or phone provider or website administrator;
- report any illegal activity or threats to your safety to police; or
- apply for an intervention order if you are concerned for your safety.

APPLYING FOR AN INTERVENTION ORDER

If someone is making you feel threatened, harassed or unsafe, you can apply for an intervention order at court to protect you. If you want to take this option, you should speak to a lawyer first.

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 as a way of solving the problem before applying for an intervention order. If you feel safe enough, you can contact a mediation service who will then invite the other person involved to come to a session.

To find out more about mediation, contact the Dispute Settlement Centre of Victoria on 1300 372 888 or go to www.disputes.vic.gov.au.

MORE INFORMATION

Office of the Children's eSafety Commissioner

Investigates complaints about cyber-bullying against children

Ph: 1800 880 176

www.esafety.gov.au

For more legal information regarding cyberbullying and sexting: <https://www.legalaid.vic.gov.au/find-legal-answers/free-publications-and-resources/sex-young-people-and-law-education-kit>

GETTING LEGAL HELP

Youthlaw

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

Phone: (03) 9113 9500 (9am-5pm, Mon-Fri)

Website: www.youthlaw.asn.au

Victoria Legal Aid – Legal Help

For legal information, referrals or appointments

Phone: (03) 9269 0120 or 1800 677 402 (country callers)

Website: www.legalaid.vic.gov.au – see in particular: <https://www.legalaid.vic.gov.au/find-legal-answers/discrimination-harassment-and-bullying/bullying-online-or-school>

Visit our website: www.youthlaw.asn.au

Chat to us: 03 9113 9500

Email your questions: legal@youthlaw.asn.au

YOUTHLAW

Young Peoples Legal Rights Centre

Inc No A0041616E

ABN 12 794 935 230