

## Youth Law: Cyberbullying

This factsheet is designed to help young people learn their rights and obligations surrounding cyberbullying in the ACT. If you are a young person with a matter concerning cyberbullying, please call the **Youth Law Centre ACT** on **6173 5410** or **1300 654 314**.

**Note: The Youth Law Centre (YLC) is Legal Aid ACT's dedicated service for young people under the age of 25. It is a free and confidential legal service.**

### Cyberbullying

#### What is cyberbullying?

Bullying is repeated behaviour which is done on purpose to make someone feel hurt, upset, scared or embarrassed.

If a person bullies someone by sending messages or by saying or doing things online (e.g. on a social networking site) then it's often called cyberbullying.

Cyberbullying can happen in lots of different ways. For example, it can include sending or posting nasty or embarrassing comments or photos, spreading rumours, making threats, excluding someone online, or pretending to be someone else to make them look bad.

### Criminal Laws

#### What criminal laws apply?

Cyberbullying can be a crime. If you are worried about anything that you or someone else has sent or posted, you can contact us on 1300 654 314.

#### Using a carriage service in a menacing, harassing or offensive way

It is a crime to use a phone or the internet (the legal word for which is 'a carriage service') in a way that is menacing, harassing or offensive. This could include sending threatening messages, unsolicited sexual content, or engaging in excessive phone calls or texts.

### Stalking

Cyberbullying could be a crime under ACT law if it involves stalking. Stalking is any behaviour, including sending messages, that is intended to make the victim feel frightened, cause them harm or harass them.

To be considered stalking, it has to involve acts carried out on at least two separate occasions.

### Making threats

Making a threat to harm or kill someone over the internet is a criminal offence. For example, it would almost certainly be using a carriage service in a menacing or harassing way. But, making a threat to kill or a threat to inflict serious injury are their own offences.

It is also a crime under ACT law for someone to incite hatred, revulsion, serious contempt or severe ridicule towards someone because of their race, religion, disability, gender identity, sexuality or their intersex or HIV/AIDS status by publicly threatening someone (e.g. in a public post on social media).

### Suicide

Under national law, it is a crime to use a phone or the internet to send or post anything that encourages or helps someone to commit suicide. There are also ACT laws which make it a crime to encourage someone to commit suicide, or to help someone commit suicide.

### Nude or sexual images

Sending or posting nude or sexual images of someone without their consent is a crime. Even threatening to post someone's nude or sexual images is a crime. This is referred to as image-based abuse and is taken very seriously by police and the courts. See our factsheet on image-based abuse for more information.

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### Other criminal laws that could apply

Depending on the circumstances, there are other crimes that could also apply to cyberbullying.

For example:

- it is a crime under ACT law to 'publish' (e.g. post online) untrue things about someone which damages their reputation (defames them) if the aim is to cause them serious harm.

### What could happen if I cyberbully someone?

#### If you commit a crime ...

If you commit one of the crimes we have talked about above, the consequences can be very serious. You may be investigated and charged by the police, and if you are found guilty you could end up with a criminal record or even go to jail.

If you have committed a crime and you are contacted by the police, we strongly encourage you to get legal advice straight away. You can contact us for help on 1300 654 314.

Note: The eSafety Commissioner can investigate serious cyberbullying that targets someone under 18.

### What can I do if I think I have cyberbullied someone?

If you are questioned by the police, in some circumstances you must give your correct name and address e.g. if the police think an offence has been committed and that you can help them investigate it. Other than that, **you have the right to remain silent**, even if you have been arrested. Try to remain calm and politely ask to get legal advice before you give them any other information.

**We recommend that you think very carefully before you say anything about someone online or in an email or message.**

**If you are having issues with anyone, try not to react to them by email, text or social networking sites.**

**If something is written down or posted online, it's never private and it's permanent – even after you delete it!**

**If someone cyberbullies you, try not to retaliate by saying something hurtful back, especially online. Instead, consider screenshotting the messages and showing them to police or an adult you trust.**

### What can I do if I am being cyberbullied?

If you, or someone you know, is in immediate danger, call the police on 000. You can report crimes that are not an emergency by calling your local police station.

Get legal advice. If you are being cyberbullied, there are things you can do to protect yourself. In serious cases you might be able to get a protection order or take other legal action against the person.

Every situation is different, and a lawyer can help you understand your options.

### What can I do if I have seen cyberbullying?

If you know someone who is being cyberbullied or you have seen cyberbullying online then it is important that you don't join in, forward or share material or comment on anything. This could get you into trouble, as well as making things worse for the person being bullied.

## Youth Law: Cyberbullying

### Useful Contacts

#### Legal Aid ACT

Monday to Thursday: 8:30am to 7:00pm

Friday: 8:30am to 5:00pm

[www.legalaidact.org.au](http://www.legalaidact.org.au)

Phone: **1300 654 314**

#### Youth Law Centre

Monday to Friday: 8:30am to 5:00pm

[ylc@legalaidact.org.au](mailto:ylc@legalaidact.org.au)

Phone: **(02) 6173 5410**

#### Kids Helpline

[www.kidshelpline.com.au](http://www.kidshelpline.com.au)

Phone: **1800 55 1800**

**Complaints & suggestions:** If you have any complaints or suggestions about our services, please write to the Chief Executive Officer at our postal address.

**Interpreter:** If you need an interpreter, please contact Translating and Interpreting Service (TIS) on 131 450.

**Enquiries** 02 6243 3411  
**Helpline** 1300 654 314 (free)  
**Address** 2 Allsop Street Canberra  
GPO Box 512 Canberra 2601

**Email** [legalaid@legalaidACT.org.au](mailto:legalaid@legalaidACT.org.au)  
**Web** [www.legalaidACT.org.au](http://www.legalaidACT.org.au)  
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