



CYBER BULLYING (the law as of May 2010)

“**Cyber-bullying**” is when someone uses the internet or mobile phones to deliberately upset someone else. Bullying that used to take place in the schoolyard can spread on the internet and into your home and bedroom.

Cyber-bullying can include taking photos/videos with your mobile, posting embarrassing photos or videos online, distributing DVDs, and emailing amongst friends. It can also include making threats, tricking someone as to your identity, online stalking, spreading personal information or secrets, and bombarding someone with offensive messages. It can take place on any chat site, social networking site, file sharing site, email or sms.

“**Sexting**” is the exchange of sexually explicit messages or photographs (nude or semi-nude pictures) electronically, most commonly through mobile phones and social networking sites such as Facebook and Myspace.

What to do if I am being bullied on-line?

If you are being bullied online there are things you can do to try to resolve the issue and prevent further harassment. If it is very serious, legal action is possible.

- Tell the person to **stop harassing** you.
- **Ignore it.** Don't respond to the bully. If they don't get a response they may get bored and go away.
- **Block** the person. On chat sites or social networking sites you can block the user. This will stop you seeing messages or texts from a particular person
- **Keep the evidence.** This can be useful in tracking the bully down. Save texts, emails, photos, video emails, online conversations or voicemails so that you have proof of the bullying. It is not enough to write it down, the proof needs to be in electronic format.
- **Tell someone** you can trust. You may want to talk to your mum, dad or a brother or sister. Tell someone you trust immediately if you think your safety is at risk. It is important that you don't bottle it up.
- You can contact the free and confidential [Cybersmart Online Helpline service](#), call Kids Helpline on 1800 55 1800.
- **Report it to your school**—they should have policies in place about bullying and cyber-bullying. Go to a teacher you know, or who you think has understanding. Go with that teacher to the principal. Your school has a responsibility to make students feel safe. It doesn't matter that the harassment occurred outside of school if it's making you feel unsafe in school.
- **Report it to your ISP and/or phone provider, or the website administrator**— there are actions they can take to help.
- **Report it to the police**—if there is a threat to your safety or you are being stalked the police will help. Call Triple 000 or Crime Stoppers on 1800 333 000. They will want to interview you and get a statement about what has happened. They will then investigate the matter and may lay criminal charges against the person bullying you. They may help you to make an application for an intervention order by the Childrens' Court (under 18). The intervention order can prevent someone from publishing material about you on the internet.

What can I do to prevent cyber-bullying?

You need to take care to protect your information online. Most problems occur when you post personal information online to a few people and then it is leaked.

- **Don't share passwords**
- **Be careful what you post.** Don't give up information that you want to keep private.
- **Monitor your privacy settings.** Note that the default settings on facebook and other sites are not very private. Learn how to change the settings.
- **Don't engage in behaviour that could annoy someone**, which could be bullying itself and could encourage bullying. Don't forward on messages or pictures that may be offensive or upsetting to someone. Even though you may not have started it, you will be seen to be part of the cyber-bullying cycle.
- Remember to **treat others as you would like to be treated** when communicating online. **Ask** others before posting photos or videos of them
- **Stand up and speak out!** If you see or know about cyber-bullying happening to a friend, **support them** and report the bullying. You'd want them to do the same for you.

What are the consequences of 'sexting'?

Taking, sending or receiving sexual images of a minor is illegal. If you're found to have a naked or semi-naked photo of someone under 18 on your phone or your computer, you can be charged with criminal child pornography offences. If you forward the photo to someone else you can be charged with a criminal offence even if you delete it from your own phone. You can be charged even if it is a photo of yourself and you agree to the photo being sent.

The penalties for making and distributing child pornography include jail sentences of up to 16 years, as well as a permanent record on a register of sex offenders. Charges can result in getting suspended and expelled from or working with children.

Where to go for help

Cybersmart Online Helpline for children and young people

<http://www.cybersmart.gov.au/en/Report.aspx>, 1800 551 800.

If you are under 25 you can get **free legal advice** from **Youthlaw** by phone: 9611 2412, email: info@youthlaw.asn.au, or by visiting 19 King Street, Melbourne, Monday to Friday, 2pm - 5pm.

Links to other useful info

<http://www.cybersmart.gov.au/Teens/Tips%20and%20advice/Cyberbullying.aspx>

<http://www.thinkuknow.org.au/site/kids.asp>

<http://www.education.vic.gov.au/healthwellbeing/safety/bullying/cyber/default.htm>

Bullying. No way!: is a website created by Australia's schools community to address bullying. Go to: www.bullyingnoway.com.au

Office of the Privacy Commissioner: our website has a number of resources you may find useful including online privacy tools. Go to: www.privacy.gov.au Enquiries line: 1300 363 992.