

R U Legal?

A guide for parents in the digital world

10+ Age of criminal responsibility

Any person over the age of 10 who breaks the law can be charged with a criminal offence.



Sexting

- » Sexting is the sharing of sexualised images or messages using a phone or the internet.
- » Sexting is against the law when it involves a young person who is **under the age of 18**. In WA, additional offences apply if the young person is under the age of 16.
- » It is an offence to take, keep, send or ask for a sexualised image of a young person
EVEN IF they consent
EVEN IF the image is of themselves e.g. a selfie.
- » A sexualised image is a photo, video or picture that shows the young person naked, partially naked, in their underwear, in a sexual pose or engaging in sexual activity.
- » The laws relating to sexting and young people apply to real pictures, photo-shopped pictures, videos, stories, drawings, cartoons, texts and emails, whether they are in digital, electronic or printed form.
- » It is not against the law to share a sexualised image of yourself if:
 - you are over the age of 18 years;
 - the person you share the image with is over 16;
 - you are not menacing, harassing or offending the other person.

Image-based abuse

- » Image-based abuse is sharing or threatening to share an intimate image of someone else without their consent.
- » It is against the law to **share** an intimate image of someone who does not consent OR who is under the age of 18.
- » It is also against the law to **threaten** to share an intimate image of another person of any age. You can be charged for making a threat even if you do not actually have the ability to share the image or the image does not actually exist.
- » An intimate image is a photo, video or picture that shows the person in a private situation:
 - naked, partially naked, or in their underwear; or
 - undressing, bathing, toileting, or engaging in sexual activity.
- » Intimate images can be real pictures, photo-shopped pictures, videos, stories, drawings or even cartoons, and can be in digital, electronic or printed form.
- » It is not against the law to share an image of someone that was taken in public, such as a photo of someone at the beach in their bathers, or of a model on a catwalk.



Filming young people fighting

- » It is against the law to create, keep, share or ask for material that shows a young person under the age of 18 being subject to torture, cruelty or physical abuse.
- » This could include:
 - filming a young person in a fight
 - posting or sharing a video of a young person in a fight on social media
 - keeping a video of a fight that was sent to you by someone else
- » It is also against the law to help or encourage someone else to participate in a fight.
- » Under Department of Education policy, school students who film fights involving other students or on school grounds must be suspended.



Legal consequences

When a young person under 18 breaks the law, the police may caution or refer them to the Juvenile Justice Team instead of charging them with a criminal offence.



If the young person is charged and convicted of a criminal offence they may:

- » get a criminal record – this will affect their ability to get a job and to travel overseas.
- » not be able to get a Working With Children Card – this means they won't be able to work or volunteer in a role that involves contact with children, e.g. child care or coaching.
- » be included on the Sex Offender Register (for life) and subject to strict reporting conditions for some convictions relating to sexting.



Cyber bullying

- » Cyber bullying is any form of bullying that is online or over the phone.
- » It is against the law to use a phone or internet service in a way that is menacing, harassing or offensive. Some examples include:
 - sending a nasty text message or email
 - posting a nasty message or embarrassing photo of someone on social media
 - creating a fake online profile using someone's name or photo
 - stalking someone online.
- » It is also against the law to use a phone or internet service to threaten to harm or kill another person.



Get help

Office of the eSafety Commissioner can help with:

- » an online complaints portal for reporting cyber bullying and image-based abuse
- » removal of intimate images and other offensive or illegal content from the internet.

www.esafety.gov.au or 1800 880 176

Legal Aid WA InfoLine 1300 650 579 or
www.legalaid.wa.gov.au/resources/r-u-legal

Youth Legal Service (08) 9202 1688

Kids Helpline 1800 551 800

Headspace 1800 650 890