

GUIDANCE 'GO 2'



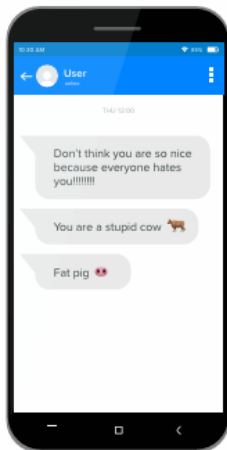
By Sharon and Kate

What is cyberbullying?

Cyberbullying is when someone bullies another person online (like on a social networking site) or by sending emails or messages. Bullying is repeated behaviour which is done on purpose to make someone feel hurt, upset, scared or embarrassed.

Examples:

Sending abusive texts and emails • Posting mean messages, images or videos • Encouraging people to treat someone badly • Imitating other people online (also known as 'catfishing') • Excluding others online • Embarrassing others online • Spreading nasty online gossip and chat • Creating fake accounts to trick someone, harass or humiliate them.



Flaming is a type of cyberbullying. Flaming is an intense argument using swearing, offensive words, hate-speak and often hurtful insults publicly online, on socials or in a forum. When two or more users start insulting each other, it's known as a 'flame war'.

Trolling is when someone posts a deliberately insulting or rude comment or pic and waits for people to take the bait. (Not all trolls are bad—they can be mischievous and just want people's reactions). But trolling can be hate-based and can cause people to feel upset, anxious, hurt or bullied.

Cyberbullying, flaming and trolling behaviour is wrong because: • it's often hate-based and done to make people feel upset, hurt, anxious or intimidated • it's faceless and encourages others to also be cruel • it can also be illegal.

Cyberbullying laws

What are the laws and what can happen if you break them?

There are Queensland and national laws that deal with cyberbullying. The laws are complex so here is a summary. It's very serious if you break these laws. You could get a criminal record, and you may go to jail.

Using a phone, smart device or the internet to menace, harass or cause offence

It's a crime to use a 'carriage service' (like a phone or the internet) to harass or menace (scare or threaten) someone or be offensive. To be a crime, the behaviour must be likely to have a serious effect on the person targeted. For example, cyberbullying may be a crime if it involves frightening someone by threatening to harm them, bothering someone repeatedly so they feel afraid, or if messages, emails or posts make someone feel seriously angry or upset.

Making threats to kill

Cyberbullying may be a crime if you:

- use a phone or the internet to scare someone by threatening to kill or seriously harm them
- send emails, messages or posts which threaten to kill someone
- intimidate someone by threatening to enter or damage their home or other premises
- publicly encourage hatred, serious contempt (dislike), or severe ridicule (put downs) towards someone because of their race, religion, sexuality or gender identity in any way, including threatening to hurt them or damage their property.

Encouraging suicide

Cyberbullying may be a crime if you try to persuade someone to die by suicide. It's a crime to use a phone or the internet to send or post anything that encourages or helps someone to die by suicide. It's also a crime to cause or help someone die by suicide, or to encourage someone to die by suicide.

Unlawful stalking

Cyberbullying may be a crime if you unlawfully stalk someone. 'Unlawful stalking' is when you purposely do things to another person which: • makes them feel scared • causes them serious emotional or mental harm • stops them doing something they would otherwise do • makes them do something they wouldn't normally do. It includes contacting or approaching someone using the internet or other technology. Under the law, it must involve more than one act, or one act which lasts for a long time. The court can also make restraining orders to stop all contact with the person being stalked.

Fraud

Fraud is where someone tricks you into giving your personal information (like your banking details) or property to them, and they use it for their own gain (benefit). For example, if someone gets hold of your personal information, they might use it to create fake online shopping accounts to buy things.

Using other people's identification information online

Cyberbullying may be a crime if it involves using other people's identification (ID) information to pretend to be them on the internet, like creating a false social media account in someone else's name.

HOW OLD R U? The law treats you differently based on your age. The law says an adult is 18 or over and a child is under 18. If you're charged with an offence, your age will affect the type of sentence you could get if you're found guilty

Link to the full document is below:

https://www.legalaid.qld.gov.au/files/assets/public/v/2/publications/criminal-justice/is-it-legal-guide/laq_00108-is-it-legal-a5-guide-web.pdf

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