

# A FACTSHEET ABOUT 'SEXTING' AND ONLINE SAFETY

Mobile phones, the internet and social networks have changed the way we communicate, share information and learn about the world around us. Staying in touch with family and friends via text or social networks are some of the many advantages of today's communications technology.

However, mobiles phones and online social networks are also increasingly being used for bullying and harassment, and for producing and sharing sexualised images and videos.

These are issues that particularly affect young people, and put them at risk of victimisation and sexual exploitation, or alternatively, going to court charged with a criminal offence.

## WHAT IS 'SEXTING'?

Sexting is a term that refers to sending text messages of a sexual nature. Sometimes, this includes taking and sending sexual images of you or of other people via text or email, and includes posting sexualised material on the internet or social networks.

Sexting usually refers to creating, sharing or posting sexually explicit images or messages. However, a 'sext' may just be words of a sexual nature or may include taking a picture or video using a phone or webcam that is sexually suggestive or involves full or partial nudity. It can even include using Photoshop to make someone look naked. Sexts include sexually suggestive communications even if they do not contain sexual imagery of people under the age of 18.

## IS SEXTING AGAINST THE LAW?

In Australian law, producing, sharing or collecting sexualised images of young people who are, or look as if they are under 18, may constitute child pornography.

In the ACT, even using electronic means to suggest that someone take part in or watch someone take part in an act of a sexual nature – i.e. 'sexting' – can be a criminal if the sext is a sexually suggestive communication to someone **under the age of 16** (*Crimes Act 1900* (ACT) ss 64, 64A and 65).

Each State and Territory in Australia has its own laws dealing with the sexual exploitation of young people. There is also Federal law designed to stop people from using internet and mobile phone providers to download, post or share sexualised images of children.

It is an offence to create child pornography. People found guilty of child pornography charges by a court of law can face serious legal consequences. If you create an image of someone under the age of 18 which fits the description of child pornography, you may be charged with child pornography offences, even if the person depicted consented the image being created and even if the image is of you.

If you have these types of sexts in your possession, or if you send them to other people, you may also be charged with a criminal offence.

Remember that these laws do not distinguish on the basis of gender, so both men and women can be held criminally responsible for child pornography offences.

If you are not in the ACT, find out about the laws in your State or Territory by contacting your local legal aid agency.

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## REMEMBER

Think carefully before you decide to take and send sexual images to other people, especially if you feel under pressure to do so.

People who take sexy pictures to flirt with others may unintentionally contribute to the growing problem of child pornography.

If inappropriate material is sent to your phone or email:

- Do not keep it. Delete it straight away
- Do not pass it on or post it
- If you know who sent it, tell them to stop
- If they continue to send you images, speak to a trusted adult or police.

If you keep material that may be considered to be child pornography in your phone or on your computer, even if you did not ask for it, you can still get into trouble with the law.

The law relating to sexting can be complex. If you are unsure about the matter, seek advice and support. You can contact Legal Aid ACT, Youth Law Centre ACT or your local legal aid agency for confidential legal advice.