

Crimes using phones and technology

Anyone can talk to a lawyer for free at Tasmania Legal Aid.

To get free legal information call 1300 366 611, drop into our Hobart or Launceston office (no appointment necessary) or use the Legal Talk chat function on our website. We are open Monday to Friday, 9am to 5pm.

A lawyer can listen to your story and help identify the next steps you can take.

People can commit a crime using technology such as a phone or social media platforms. Any activity done with technology is easy to prove and trace back to the person responsible.

What is a cyber crime?

A cybercrime is a criminal offence that is committed using technology. Some cybercrimes involve deliberately doing something illegal, such as stealing someone's identity through phishing emails or selling a fake product on the internet. However, a person can commit a cybercrime without intending to break the law. Examples of this include the following.

- Stalking – making unwanted phone calls or sending unwanted text messages, emails or other messages on social media that intimidate, harass or frightens someone.
- Criminal defamation – saying something untrue about someone with the intention of causing serious harm to them.
- Sending offensive material – sending, receiving or forwarding offensive material or sexually explicit messages or images via mobile phone, other device or social media, without the consent of the person depicted or the person receiving the material.

How can technology be used in bullying?

Bullying is defined as an ongoing or repeated misuse of power in relationships that intends to cause harm. Cyberbullying is a real issue because technology makes it so easy for a person to bully someone without seeing how it affects the other person.

Making fun of someone online in friendly banter can seem harmless or intended just to be funny. However, this may become a form of cyberbullying that can cause harm to a person. Bullying behaviour in group chats may not seem serious but there can be serious consequences for those who participate in this kind of online behaviour.

What's the law about sending a nude?

If you are under 18 years of age, it is a criminal offence to send a nude photo of yourself. It is also an offence to have on your device a sexually explicit image of someone who is under 18. These images are known as child pornography.

Sending a nude may be considered sexual harassment by the person receiving it. Sending nudes can lead to blackmail and sextortion. This is where a person can threaten to share your sext unless you do something or pay them money. There can be serious consequences for anyone who commits these offences. In addition to breaking the law, future employers may not want to employ someone with a criminal record. Sending nudes can have serious effects on friendships and your school will most likely need to get involved too.

Even if you are over 18, it is not okay to send a nude to someone who does not consent to receiving it, or to send a nude of someone if that person does not give you permission to send it.

What should I do if I have sent or posted something I shouldn't

have?

1. Stay calm and do what you can to delete the image – if you have sent a picture or video you regret to someone, ask them to delete it immediately. If it is posted online, remove any tags which name people and report the image to the platform so it can be taken down. Ask friends you trust to help search for your images online and delete and/or report those images.
2. Talk to someone – confide in someone you trust or reach out to a youth counselling or support service.
3. Be honest with police – if police get involved, they will want to know who was involved and whether there was consent from those involved. Police want to prevent any harm to you and other young people.

What should I do if someone sends me a nude?

You should delete a nude from your device or social media platforms if someone sends it to you or posts it. Tell the person who sent the nude that you do not want to receive it and get help if it continues or if you feel worried at all about it.

What should I do if someone has sent an image of me to another person, or posted it for others to view?

Report it – if someone else has posted sexual or naked photos or videos of you online, report them to the service they posted it on. If they are at your school, you can report them to a teacher if you choose to. It is not okay for the person to share your image.

Regardless of age, it is a serious offence for someone to use an image of another person in a way that hurts them. This is a form of abuse and people who have experienced image-based abuse often want the images and videos removed at once. But it is important to save evidence first. The eSafety Commissioner website has information about [collecting evidence](#) in sexting situations.

How can my online activity affect my future?

You should always be careful when posting something to social media as you can never be sure who will see it. Any photo or comments you post can be reposted, screenshot or shared, even when you think the image is temporary and will be deleted quickly after being seen. People have lost their jobs because of things they have posted online. Ask yourself – would you like your teacher, boss or people you only know through school or work to see what you have posted onto social media? The effects of posting offensive photos and comments can last a long time.

Where can I get free help?

Here are some places you can get help.

[Kids Helpline](#) – this service is for young people up to 25 years of age. Call 1800 55 1800 to speak with a counsellor at any time of the day.

[Headspace](#) is a youth-focused mental health service for young people aged 12-25. Phone counselling is available all day, every day on 1800 650 890. Online chat is available 9.00 am to 1.00 am EST daily.

The [eSafety Commissioner](#) provides a wide range of online safety programs and resources.

This is written for people who live in or who are affected by the laws of Tasmania, Australia. The law changes all the time – this information is not legal advice. If you have a legal problem, you should talk to a lawyer before making a decision about what to do.