

SEXTING LAWS

YOUTH LAW CENTRE ACT



Legal Assistance for young people

Legal Aid ACT's Youth Law Centre can help you if you have questions about sexting laws in the ACT or if you have been fined or charged for an offence relating to sexting. We can also help you if you are the victim of a sexting crime. We can help you by:

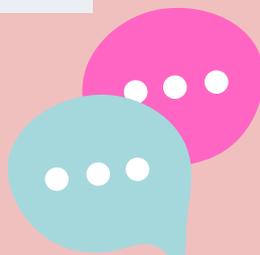
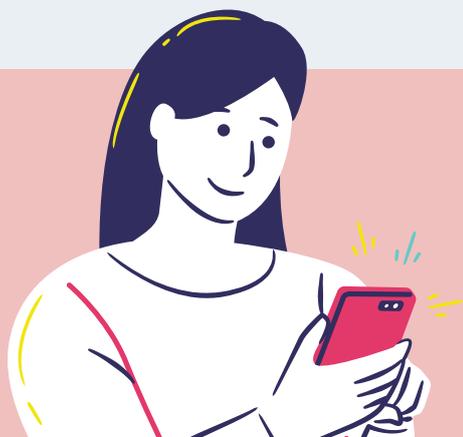
- Giving you information and legal advice about sexting laws in the ACT.
- Representing you in court if you have been charged with a sexting crime.
- Referrals to non-legal support services such as counselling or government services.

Our Youth Law Centre is a free and confidential legal service for young people aged 12 to 25 years in the ACT. See the back of the factsheet for our contact details.

Is sexting a crime?

Sexting can be a crime if the sext is:

- Legally considered to be 'child pornography';
- A sexually suggestive communication to someone under the age of 16; or
- Involves sharing intimate images without consent (offences relating to this are discussed in our other fact-sheet titled 'Intimate Image Abuse.').



Child Pornography - what is it?

A sext can be child pornography if it involves the depiction or representation of a child engaging in sexual poses or activity. It is a crime to create child pornography or to share it. This includes sending a text that contains child pornography to someone, showing other people the child pornography, or uploading the child pornography online.

You can be charged with crimes relating to child pornography, even if you are under 16 years of age. Crimes concerning child pornography are very serious so you should seek professional advice if you think you may be guilty of a child pornography offence.

If you are the victim of a child pornography crime, you should reach out for help. The Youth Law Centre can give you free and confidential advice about free supports available to victims of crime. The Youth Law Centre can give you information about what to expect when reporting child pornography crimes to the police. The Youth Law Centre can also link you in with free services to support you in reporting to the police.

See the back of this factsheet for the Youth Law Centre contact details.



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Other sexually suggestive communications

Sexts may also have serious criminal consequences even if they do not include sexual imagery of people **under the age of 16**.

It is also a crime to send sexts to people under the age of 16:

- Suggesting they take part in an act of sexual nature; or
- Inviting them to be present when another person participates in an act of a sexual nature.

The behaviour above is a crime called 'grooming and depraving young people'. You can be charged with this crime, even if you are under 18 years of age.

It is also a crime to send or make available (such as by posting it online for other people to see) pornographic material with someone under the age of 16. Remember, pornographic material includes nudes and other intimate images.

What are the consequences?

The maximum penalties for crimes relating to sexting range from 7 years to 12 years imprisonment for ACT offences, and 15 years imprisonment for Commonwealth offences. If you are charged with a more minor offence (as determined by the police), you may be fined.

If you are charged with any of the crimes outlined in this factsheet, you can also be put on the Sex Offenders Register. This means that you will not be able to work with children, and you will have to report on personal details such as employment, travel plans and the children you might have contact with. You can be put on the Sex Offenders Register, even if you are under 18 years of age.

Where to get help?

For free and confidential Legal help you can contact **Legal Aid ACT's Youth Law Centre**:
Phone: (02) 6173 5410
Email: ylc@legalaidact.org.au.

If your school has a **Legal Liaison Officer**, you can also request a free appointment with them at their school office or by telephone. Email college@legalaidact.org.au to make an appointment or drop in to their office at your college during school hours.

Magistrates & Children's Court duty lawyer

A lawyer is on duty at the Magistrates and Children's Court to advise and assist people in criminal matters. You can speak to this lawyer for free. Phone: 1300 654 314

Support and Other Services:

Family Violence and Cultural Liaison Officers:
Legal Aid ACT has Family Violence Liaison Officers, Cultural Liaison Officers and Aboriginal and Torres Strait Islander Liaison Officers to give non-legal help, support and advocacy to people from a cultural and linguistically diverse background, people who are Aboriginal or Torres Strait Islander or people who have experienced family violence.
Phone: 1300 654 314

Kids Helpline:
Phone: 1800 551 800
Email: counsellor@kidshelpline.com.au

