

# **TEACHERS MATERIALS**

## **MODULE: CYBER-BULLYING - NSW – YEARS 7-12**

*Thank you for your interest in TeachLaw! We hope that these materials are relevant and helpful to your students in educating them on their legal rights. For any correction or questions, please e-mail Youth Law Australia at [admin@yla.org.au](mailto:admin@yla.org.au) and include the word “TeachLaw” and the name of the module in the subject line.*

*TeachLaw Modules contain 3 parts – Teacher materials, Student materials and a PowerPoint presentation. Please note the PowerPoint is provided in PDF to preserve formatting. To present, please open using a PDF viewer, go to View > Enter Full Screen and use the arrow buttons to navigate.*

### **This document is divided into 3 parts**

**Part 1:** Background information – this section contains briefing notes to provide you with information on what the law says.

**Part 2:** Lesson notes – this section contains suggested speaking points, timings and important notes about the presentation.

**Part 3:** Student activities – this section contains the suggested class activities and answers to any student handouts.

### **Curriculum links**

- Legal Studies (Year 11) – Part II: The Individual and the Law – “3. Contemporary issue: The individual and Technology”

### **Learning Objectives**

- 1.1 Students define what is classified as “cyber-bullying” according to the law
- 1.2 Students explain what different laws/rules might apply to cyberbullying
- 1.3 Students identify possible consequences of cyber-bullying
- 1.4 Students identify examples of cyber-bullying
- 1.5 Students explain what steps victims of cyber-bullying can take
- 1.6 Students understand the importance of practising safe online behaviour

*Last updated: March 2019*

## **Part 1 – Background information**

### **1. INTRODUCTION**

There are no specific laws in NSW that make it illegal to “cyber-bully” another person. However, there are a range of criminal laws that may apply to incidents of cyber-bullying. In addition, there are civil laws and various policies (e.g. school or workplace) which may address cyber-bullying. It is important that young people are aware not only of the steps they can take to put an end to cyber-bullying, but what to do if they have intentionally or accidentally cyber-bullied another person to avoid severe consequences.

This module is designed to explain the laws that may apply to cyber-bullying and provide practical information for students that may have been a victim to, or a perpetrator of cyber-bullying. It is not intended to replace legal advice and young people are encouraged to speak to a professional if they require counselling support or legal advice.

### **2. DEFINING CYBER BULLYING**

Bullying is repeated behaviour which is done on purpose to make someone feel hurt, upset, scared or embarrassed<sup>1</sup>. Cyber-bullying refers to bullying behaviour which is done online<sup>2</sup> (e.g. on a social networking site).

Cyber-bullying can happen in lots of different ways<sup>3</sup>. For example it can include sending or posting nasty or embarrassing comments or photos, spreading rumours, making threats, excluding someone online, or pretending to be someone else to make them look bad.

### **3. WHAT THE LAW SAYS**

There are a range of criminal and civil laws that may apply to cyber-bullying behaviour. Criminal laws are the laws that are monitored by the police. If a person breaks a criminal law, they might be reported to the police, charged and go to Court. If a person is found guilty of breaking a criminal law, they might face a range of penalties including a fine or jail time. Also, children under 10 cannot be arrested for breaking criminal laws<sup>4</sup>. This is because they are

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<sup>1</sup> Australian Human Rights Commission [Violence, Harassment and Bullying Fact sheet](#) ; National Centre Against Bullying [What is bullying?](#); BullyingNoWay [What is bullying](#); NSW Department of Education Antibullying [What is bullying](#)

<sup>2</sup> Office of the eSafety Commissioner [Cyberbullying](#); Australian Human Rights Commission [Cyberbullying: What is it and where to get help](#); BullyingNoWay [Online bullying](#); NSW Department of Education Antibullying [Staying safe online](#)

<sup>3</sup> Office of the eSafety Commissioner [Cyberbullying](#); Australian Human Rights Commission [Cyberbullying: What is it and where to get help](#); BullyingNoWay [Online bullying](#); NSW Department of Education Antibullying [Staying safe online](#)

<sup>4</sup> s 5 Children (Criminal Proceedings) Act 1987 (NSW)

considered to be too young to take responsibility for their actions. For children aged 10 to 14, there is a presumption that they should not be held responsible for their actions<sup>5</sup> **unless** it can be proven that the child understood that they had committed a serious wrong (i.e. they understand that it was more than merely “naughty” behaviour).

Civil laws are the laws that govern interactions between people. If a person breaks a civil law, they might be sued, and if found guilty they may have to compensate the victim in some way e.g. financial compensation. Civil laws that may relate to cyber-bullying include anti-discrimination laws and defamation laws, however these are outside of the scope of this module and will not be examined.

In addition, private organisations such as workplaces and schools might have policies that explain that possible consequences of a staff member or student if they engage in cyber-bullying behaviour. These policies should also outline what reasonable steps the organisation will take to try end the bullying and help to support anyone that has been a victim of cyber-bullying. Most social media sites will also have policies about harassing or discriminatory behaviour, and cyber-bullying is likely to breach the terms and conditions of these sites. However these are outside of the scope of this module and will not be examined.

## A. CRIMINAL LAW

In NSW, and throughout Australia it is illegal to use a phone or the internet in a way that is menacing, harassing or offensive<sup>6</sup>. To be considered a crime, the behaviour must be likely to have a **serious effect** on the person targeted<sup>7</sup>.

Cyberbullying could be a crime under this law if, for example, it involves frightening someone by threatening to harm them, bothering someone over and over again so that they feel afraid, or if messages, emails or posts make someone feel seriously angry or upset<sup>8</sup>.

Other criminal laws that may apply to cyber-bullying include:

- Stalking using the internet or technology<sup>9</sup>. Stalking occurs when someone gives another person repeated unwanted attention<sup>10</sup> e.g. contacting them repeatedly online;

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<sup>5</sup> Principle of Doli Incapax

<sup>6</sup> s474.17 Criminal Code 1995 (Cth)

<sup>7</sup> Crimes Legislation Amendment (Telecommunications Offences And Other Measures) Bill (No. 2) 2004 [Explanatory Memorandum](#); *Mons v R*; *Droudis v R* [2013] HCA [310], [336]; *Monis, Man Haron v R*; *Droudis, Amirah v R* [2011] NSWCCA 231 [44]; The Senate Legal and Constitutional Affairs References Committee [Adequacy of existing offences in the Commonwealth Criminal Code and of state and territory criminal laws to capture cyberbullying](#) (March 2018) [3.12] to [3.14]; Submission of the Attorney General's Department to The Senate Legal and Constitutional Affairs References Committee [Adequacy of existing offences in the Commonwealth Criminal Code and of state and territory criminal laws to capture cyberbullying](#) 24.10.17 5 and 6 (available from [Submissions](#));

<sup>8</sup> *R v McDonald and Deblaquiere* [2013] ACTSC 122, *The Canberra Times* [Guilty verdict in ADFA Skype sex case](#) 28.8.13, *The Canberra Times* [ADFA Skype scandal cadets sentenced, avoid jail](#) 23.10.13

<sup>9</sup> s 13 Crimes (Domestic and Personal Violence) Act 2007 (NSW)

<sup>10</sup> s 8 Crimes (Domestic and Personal Violence) Act 2007 (NSW)

- Intimidation using the internet or technology<sup>11</sup>. Intimidation occurs when someone harasses another person or approaches them in a way that makes them feel scared<sup>12</sup> e.g. sending offensive or threatening messages;
- Threatening to kill or seriously harm a person, or to damage/destroy property using the internet or technology<sup>13</sup>;
- Encouraging someone to commit suicide using the internet or technology<sup>14</sup>;
- Accessing someone else's online accounts without their permission<sup>15</sup>;
- Accessing someone else's online accounts to commit a serious offence<sup>16</sup>; or
- Sharing some else's intimate images without their permission<sup>17</sup>.

#### 4. VICTIMS OF CYBER BULLYING

The most important thing a victim of cyber-bullying can do is seek help – they should talk to a counsellor and a lawyer about everything that is going on so that they can put an end to the bullying. They might also consider talking to a teacher or employer if the cyber-bullying is occurring by people they work with or go to school with, or making a report to the website where the bullying is occurring.

More information on how to put an end to cyber-bullying can be found on the e-safety commissioner's website [here](#).

There are also legal remedies available to a victim of cyber-bullying e.g. getting a restraining order, or making a report to the police. If a young person decides to take legal action, they should speak to a lawyer first and collect as much evidence as possible e.g. screenshots or notes outlining the incident and where and when it happened, who was involved and exactly what was said.

#### 5. PERPETATORS OF CYBER BULLYING

If a young person has intentionally or accidentally cyber-bullied another person, they may face serious penalties, especially if the police become involved. This could include getting a criminal record or going to jail.

If a young person has engaged in cyber-bullying, the best thing they can do is get legal advice on what options they have. They should also remove the material and stop contacting that person.

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<sup>11</sup> s 13 Crimes (Domestic and Personal Violence) Act 2007 (NSW)

<sup>12</sup> s 8(1)(c), s 7(1)(a),(b) Crimes (Domestic and Personal Violence) Act 2007 (NSW)

<sup>13</sup> s 474.15(1), (2) Criminal Code 1995 (Cth), s 31, s 199(1) Crimes Act 1900 (NSW)

<sup>14</sup> s 474.29A Criminal Code 1995 (Cth), s 31C(2) Crimes Act 1900 (NSW)

<sup>15</sup> s 308C, s 308H Crimes Act 1900 (NSW), s 47.1, s 478.1 Criminal Code 1995 (Cth)

<sup>16</sup> s 308C, s 308H Crimes Act 1900 (NSW), s 47.1, s 478.1 Criminal Code 1995 (Cth)

<sup>17</sup> s 91N-T Crimes Act 1900 (NSW)

If the police become involved, young people should be aware that they have a legal right to silence – this means that apart from giving their full name and address, they do not need to answer any of the police's questions<sup>18</sup>. They also have a legal right to have a support person present during questioning (e.g. a parent or trusted adult).<sup>19</sup>

## **6. SUPPORT SERVICES**

Some of the reasons why young people might not speak to a lawyer include concerns about cost, the “seriousness” of the situation, the stigma of seeking legal help or because they don't realise their problems are legal. A lawyer can help a person to understand what the law says on a particular issue, and what the best course of action is to resolve the problem. For example, a lawyer could provide general information or advice, write a letter or other document, contact someone, start court proceedings, help talk to the police or interpret something. They can also help work out what option to fix a problem might be best based on money, time, effort and what the law says.

Fortunately there are many services available to young people for free. These services may offer specific help in a way that is convenient for young people including operating outside of traditional hours, offering online services, and allowing them to contact a lawyer without parental permission.

In addition, lawyers have a responsibility to keep client data and information confidential, so children can be assured that their parents/guardians/other people won't be informed about their issues.

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<sup>18</sup> Petty v The Queen (1991) at 14; s 89, s 89A Evidence Act 1995 (NSW)

<sup>19</sup> r 30, 31 Law Enforcement (Powers and Responsibilities) Regulations 2016 (NSW)



## **Legal**

For free and confidential legal help, you can contact **Youth Law Australia**. They have free legal information at [yla.org.au](http://yla.org.au) through their factsheets and personalised legal advice at [lawmail.org.au](mailto:lawmail.org.au).

The LegalAid **Youth Hotline** provides legal advice and information to people under the age of 18. Its business hours are 9:00 am - 12:00 am weekdays, with a 24 - hour service from Friday 9:00 am to Sunday 12:00 am. Call them on 1800 10 18 10.

Children can seek help from a **community legal centre** that helps adults. You can search for your local community legal centre from this website: [www.nacclc.org.au](http://www.nacclc.org.au)

**LawAccess** provides free information, advice and referrals on 1300 888 529, Monday to Friday from 9am to 5pm.

## **Counselling**

For counselling support you can call the **Kids Helpline** on 1800 55 1800 for free and private counselling (available 24 hours a day, but there can be a wait to get through). They are happy to talk to young people aged 5-25 about anything that's troubling them or email them or chat online at <http://kidshelpline.com.au>.

**eHeadspace** provides counselling to young people aged 12-25 who are worried about their mental health or are feeling alone. Call them on 1800 650 890 from 9am to 1am or email them or chat online at: <https://www.eheadspace.org.au>.

**Lifeline** offers 24-hour crisis support and suicide prevention counselling on 13 11 14 to speak to a counsellor online from 7pm to 4am at: <https://www.lifeline.org.au/Get-Help/Online-Services/Online-Services>.

## **Relationship support**

For family counselling support you can contact **Relationships Australia** for family counselling and mediation on 1300 364 277 or visit them at <https://www.relationships.org.au>.

Family Planning clinics provide sexual healthcare (safe sex) services and advice. Call **Family Planning NSW** on 1300 658 886 or visit them online at [www.fpnsw.org.au](http://www.fpnsw.org.au)

For relationship support contact **1800RESPECT** on 1800 737 732 or visit them at <https://www.1800respect.org.au>.

To speak to someone about relationship issues and what is or isn't ok, call **1800 MYLINE** (1800 695 463).

## **Other**

The Office of the **eSafety Commissioner** is committed to increasing online safety and supporting people to feel protected online. As part of this, they can hear reports on cyber-bullying and help to get the offensive material taken down. They also have helpful resources and guides on what you can do to remain safe online. Visit them online at <https://www.esafety.gov.au/>

The **FairWork Ombudsman** can provide information and help on anything to do with employment e.g. working hours or pay rates. Call them Monday-Friday from 8am to 5.30pm on 13 13 94.



## Part 2 – Lesson notes

Lesson details	
<b>Duration</b>	45 minutes – 1 hour
<b>Classroom set up</b>	Computer and Project Students should have their own devices (if this is not possible, please e-mail YLA at <a href="mailto:admin@yla.org.au">admin@yla.org.au</a> for alternate lesson materials)
<b>Materials</b>	1 x Presentation (PDF) 1 x Teacher's materials – 1 copy for the teacher 1 x Student worksheet – 1 copy per student
<b>Presentation details</b>	There will be 12 slides in the presentation slide deck to support the delivery of this module. Slides may be printed and provided to students should they request supplementary information.

Slide and Timing	Speaking notes	Other notes
1 0.5 minutes	Today we will be completing a module developed by Youth Law Australia through their TeachLaw initiative on the topic of cyber-bullying. Youth Law Australia provides free legal information and help to children and young people under the age of 25. They do this through providing information factsheets on their website and specific legal advice through their e-mail service. All of the information in this presentation was developed and checked by lawyers to explain what the law says and should not be taken as legal advice. If you want to know how the law might apply to a specific situation in your life, you can contact Youth Law Australia for more help.	Student will need to complete the survey on slide 3 - the survey is designed to be two-part with the first part being completed at the start of the lesson, and the second part being completed and submitted at the end of the lesson. Please emphasise to students that they should complete page 1 and then minimise their screen - <i>they should not exit the survey nor should they complete page 2 at the start of the lesson</i> . This survey is important in assessing students' preliminary knowledge, and could be used as a starting discussion question/diagnostic assessment. We require the survey to be completed so that we can assess the effectiveness of TeachLaw materials and make modifications as necessary. If you are unable to complete the survey online, please visit <a href="#">this</a> page to download the paper survey.
2 0.5 minutes	You can find out more about Youth Law Australia's services through their website <a href="http://www.yla.org.au">www.yla.org.au</a> or through their social media.	
3 1.5 minutes	To begin this lesson, please go to the URL on the screen and complete the first page of the survey. Do not go to the second page as we will do that at the end of class. Once you have completed the survey, please minimise the browser but don't close the survey!	
4 0.5 minutes	The lesson today will cover the topics listed on the screen. I want to acknowledge that some of the content we cover in this lesson might be awkward, uncomfortable, hurtful or might remind you of something that you or someone you know has	



	experienced and which could be upsetting to you. If, at any point in time, this content becomes too overwhelming, we can take a short break or you can put your hand up and ask to step out for a moment. This is a safe place and we should all agree not to talk about the issues that come up here with people outside of this classroom in a way that could make other people feel bad e.g. gossiping.	
5 5 minutes	To begin the lesson, we are going to complete a brief activity.	Please find instructions for completing this activity below under Part 3 – Student activities.
6 3 minutes	There are lots of different definitions of cyber-bullying available, but this is a quick summary of some of the important features – firstly, cyber-bullying has to be repeated behaviour. Whilst its never okay to say mean things to a person online, a one-off incident might not be considered cyber-bullying. It could however still be illegal. Repetition might be one person saying multiple things to a person, but it could also include a single comment that is broadcasted to multiple people e.g. if you made a comment on a page where lots of other people could also read it. Secondly, the cyber-bully must have intentionally said/done those things and it must have been done in order to make someone else feel a certain way. Even if it was only intended for it to be a joke, its important to recognise that a joke could still embarrass a person and so it might be considered cyber-bullying. Finally, cyber-bullying occurs online or using some sort of technology or device – for example using a website, for example a forum on reddit, a social networking site like Facebook, an app like Instagram or snapchat, your mobile phone, your computer or even a device like a PS4, or Switch. Whilst this lesson will explain the criminal laws that apply to cyber-bullying, please be aware that cyber-bullying is considered bullying under school policies, and under most work place policies. This means that if a person cyber-bullies another person, they might also be breaking other laws and rules and could get into trouble. For example, they could get a detention or a warning at work.	
7 9 minutes	It is important to understand from this class that there is no one specific law that makes it illegal to cyber-bully a person. However, there are lots of	We encourage you to let students work through this activity in small groups instead of as a large class and to instead





	<p>different laws that apply to online behaviour that make it illegal to do certain things online. Now some of these terms might be a bit confusing so we are now going to turn to our worksheet and work through Parts 1 and 2 to understand a bit more about these terms. I will walk around the class as you complete these activities and you can ask questions as we go. You can work in pairs if you would like.</p>	<p>roam around and provide support rather than go through it as a class. You could go through the answers at the end if there is sufficient time.</p>
<p>8 3 minutes</p>	<p>The bottom level of the pyramid is in a different colour because they are the kinds of steps you might take now to try and prevent cyber-bullying. We are not trying to imply that it is ever the victims fault or that cyber-bullying is every deserved, however we want to recognize that cyber-safety can include the kinds of steps you might take to avoid getting into an unsafe place on the internet [read bottom tier]. Moving to the yellow part of the pyramid, this begins the sorts of things you can do once you have experienced cyber-bullying to try and put an end to it. [read out next tier]. These are what you might consider as self-help steps – they are simple, easy and straightforward things you can do personally without escalating the matter. This is not because its wrong to talk to say the police or because you don't deserve to, but because practically its sometimes much faster to use these self-help steps while you're deciding if you want to take more serious action and if it would be worth the time and money to take the matter further. Also many of these steps can help prepare you in case you decide to escalate things, for example taking screenshots and writing a timeline. [read second tier]. The reason these might be considered more serious is because they involve going to an outside organization. Just to draw your attention to the eSafety Commissioner. Put your hand up if you do not know who the eSafety Commissioner is. The eSafety Commissioner is responsible for promoting online safety for all Australians. You can make a complaint to them about cyber-bullying and they can identify it and remove it from the internet. [read top tier] These are the most serious ways to put an end to cyber-bullying, as it includes the police launching an investigation and possibly charging someone with breaking the law. An AVO is a court</p>	



	order that can require a person to stop contacting you or approaching. Having a look at this pyramid, are there any steps that are unclear? Why do you think it would be a good idea to start at the bottom of this pyramid before progressing to the top?	
9 20 minutes	Each of these services can be contacted to support you through cyber-bullying, whether you think you have been a victim or you might have cyber-bullied another person. Its important to seek counselling help to work out what to do next. You can also contact Youth Law Australia for free and confidential legal advice on how to put an end to cyber-bullying because you have experienced it or seen it online, or what to do if you have cyber bullied another person. We are now going to work through a scenario together to tie the whole lesson together.	You may wish to quickly address slide 10 so that there is sufficient time to complete the scenario. Please see the teacher's notes for more information.
10 1.5 minutes	To conclude please go back to the survey you minimised at the start of class and complete page 2 before hitting submit. Please then turn to the person next to you and share one thing you have learnt from today's lesson.	
11 0.5 minutes		This slide can be left on the screen whilst students complete their survey and discuss one thing they have learnt.
12		Please leave this slide on the screen during question and answer time.

## **Part 3 – Student activities**

### **Purpose**

The following activities are designed to encourage young people to consider the law with a more analytical focus. There is one all in class activity, and a worksheet. This document provides the answers to all class activity sheets. There is an optional activity at the bottom for students to complete if there are issues completing the worksheet or if you have extra time.

### **Activity 1 - Values exercise**

### **Purpose**

This activity is designed to loosen students up, reflect on their understanding of cyber-bullying. It is not designed to be a “right or wrong” exercise. All opinions are encouraged and should be used as a diagnostic tool to determine the class’ level of understanding/beliefs as a reference point for informing the delivery of the lesson. The focus is not on clarifying or explaining any positions at this stage, but just assessing class understanding and inviting critical thinking.

### **Teacher’s notes**

Once students have selected a position, select a few students to explain their position. *Note, students may try to ask if they have gotten the question “right or wrong” and you may be tempted to correct the students if they have misunderstood the law but please refrain from commenting on these facts - the students will learn about them during the lesson. Also, note students may ask to sit in the “middle” – please try to avoid this. Encourage students to pick a stance.*

### **Class set up**

### **Timing**

This activity should go for approximately 5 minutes including an all in reflection. It is not necessary to engage with every statement. It is estimated that in a 5 minute activity, approximately 1-2 minutes should be given to read each statement, moving and reflect. As a rough guide, you should aim to read through 3 statements.

### **Activity - to read out to students**

We're going to complete a reflective activity now to find out a bit more about cyber-bullying. To do this, I am going to read out a few different statements. If you think that you agree with the statement I read out, you stand up. If you disagree with what I say, then stay seated. Once we have all moved, I am going to ask a few different people to explain why they picked their spot. The point of this activity is to get us thinking and reflecting. There are no right or wrong answers, and you should feel comfortable to move to the space in the classroom, or to say your opinion freely.

## Statements

1. If it's on the internet, schools shouldn't get involved.
2. Some people are too sensitive online.
3. It's not bullying if it's a joke that someone takes the wrong way.
4. Cyber-bullying includes hacking into someones account and posting stuff without their permission.
5. There are no laws about cyber-bullying.
6. Cyber-bullying is no big deal and the police shouldn't get involved.
7. It's easier to say mean things to a person online because you can't physically see them.
8. It's the Australian culture to have a bit of a dig at a person, and doing it online is no different.
9. Cyber-bullying includes texting, or using devices e.g. talking to a person on a Playstation or Nintendo Switch.
10. Cyber-bullying should be illegal.
11. Cyber-bullying happens whenever someone says something nasty to another person online or using a device.
12. You should only speak to a lawyer in really serious cases of cyber-bullying.
13. The best thing you can do if you're being cyber-bullied is to just block everyone and get over it.
14. Everyone gets cyber-bullied, and people need to learn not to take everything so seriously.
15. If someone "has a go at you" online, you probably deserved it.
16. If someone says something mean to you online, you should just respond to their comments with something equally as nasty.
17. The best thing you can do if you're cyber-bullied is to just ignore it.
18. Cyber-bullying isn't as bad as assaulting a person or yelling at them in real life.

19. There's no point talking to a professional about cyber-bullying because there is nothing they can do about it.
20. If you cyber-bully someone, it's too late to fix things.

### **During activity reflection**

1. Select a few students (say 1-3) from different quadrants and ask them to explain why they selected that position.

### **End of activity reflection**

1. Discuss in pairs what you found easy/difficult/interesting about the activity (choose 2 pairs to share)
2. Did any of the statements surprise you? Why/Why not?

## **Activity 2**

### **Part 1**

Harassment and Stalking	Repeatedly contacting a person and speaking to them in a way that is insulting or degrading. Could also include repeatedly contacting or following a person e.g. sending them multiple texts, posting about them online, or contacting them through different forms of technology.
Menacing, Threatening or Intimidation	Telling a person things that might cause them to feel fear of being injured or harmed in some way, or that someone or something they care about will be harmed or destroyed. You could also force them to do something out of this threat.
Offensive	Behaving in a way toward a person that regular people would consider to be inappropriate.
Impersonation	Logging onto another person's social media account without their permission or knowledge. It may include posting things from their account without their permission also.
Inciting suicide	Encouraging someone to take their own life.



## Part 2

### Offensive behaviour

Jake identifies as Aboriginal and decided to organise a change the date party/ peaceful protest. On January 26 a number of random people who claimed to be from the same Facebook Group started sending him **rude messages about his heritage and the save the date campaign.**

### Stalking and harassment

Katie was the admin of a Facebook group and Brittney was one of the members. Katie and Brittney had a disagreement on the group and **Brittney began to send messages to Katie repeatedly.** Eventually it died down, however recently Brittney has started contacting Katie again and has made a **Facebook page dedicated to making nasty comments and spreading rumours about Katie.** She is **constantly contacting people on Katie's Facebook page and spreading lies about her.**

### Intimidation, threatening behaviour and menacing behaviour

Michael and Paul broke up after a few months together. Michael is not happy about the break up and feels that Paul didn't really give their relationship a go. Michael has **been messaging Paul and telling him that if he doesn't get back together he is going to tell everyone the truth about their relationship** (Paul's family does not know that he identifies as gay). Michael has also been **threatening to hurt himself** if Paul doesn't get back together with him.

### Inciting suicide

Amanda found the profile of an older person online and thought it would be a good joke to send them messages. The older person ignored them all which made Amanda annoyed. She wanted to have a good conversation that she could show her friends so she started saying **"go kill yourself", "you're a waste of space" and other similar things to the older person.**

### Impersonation

Jenny's friends **logged into her Snapchat without her knowledge or permission** and sent a number of messages to different boys on her snapchat, pretending to be Jenny. They wrote silly things and even wrote to Jenny's crush and asked him out.

## **Purpose**

This activity is designed to get students to think critically by synthesising the different issues discussed in the lesson i.e. what the law says, the protective steps that can be taken and the support services.

## **Timing**

This activity should go for approximately 10 to 15 minutes including an all in reflection.

## **Activity - to read out to students**

I am going to read out a scenario and stop at different points and we will discuss what the appropriate response is. I am also going to provide a handout of the Youth Law Australia website which might help you to answer some of the questions. Please note that this scenario is based on a real life example from someone who wrote into Youth Law Australia for legal advice. The names, ages and some of the facts have been changed so that this person cannot be identified.

## **Scenario:**

Eliza is a year 8 student (aged 15) at Smith High. During year 8, Eliza noticed that the centre striker on the school's soccer team, Jackson had taken a special interest in her. Jackson is tall, good looking, extremely popular, smart, well-liked and to top it off, his parents are loaded! Eliza and Jackson were at a party one night and one of Jackson's friends called Tom called out to Eliza and said "damn girl, I'm torn – on the one hand I want you to hit the dance floor with me, but on the other hand, I want you in the kitchen making me a sandwich". Eliza told Tom that what he said was sexist and she didn't appreciate it. It did not go down well. The next day Eliza got a text from a number saying "who do you think you are? The next black widow? Girl we don't need anymore femi-nazis around. Take your feminism and get out of this school". Eliza had no idea who sent her the text but had a few guesses. She waited until pastoral care with Tom and Jackson and she replied to the text "who is this?". She looked up and saw Jackson look down at his phone, before looking left and right he began to type. Eliza received a reply moments later "it doesn't matter who I am you man-hater". Eliza was shocked that Jackson was the one to reply to her – she had expected it to be Tom.

**Question: Has Jackson cyber-bullied Eliza? Why/why not?** [answer – compare the incidents to the original definition and note the repeated behaviour]

Eliza ignored the message and put her phone in her bag. When she checked it again at lunch time she had received more messages calling her different names, implying things about her gender, her sexuality and making awful comments about feminism and equality. Eliza ignored them all, but it continued to happen multiple times a day and Eliza began to feel anxious whenever she heard her phone vibrate and had taken to turning it off for long periods of time.

**Question: Has Jackson broken the law?** [answer – yes, he is definitely harassing and stalking Eliza, and depending on the contents of the texts could have broken multiple other laws also]

Eliza made a report to her school under their anti-bullying policy and Jackson was given a lunchtime detention. Jackson started ignoring Eliza after this and she thought it was over. About a month later, it started up again, but this time from multiple numbers and random social media accounts with more aggression. These texts told Eliza that she better “watch her back or she’d meet the bad side of the soccer boys”.

**Question: What sorts of things could Eliza do at this point?** [answer – block, report, take screen shots, write things down, speak to the school again]

Eliza has tried to talk to the school about it but they said they can’t get involved since they do not know who the bullies are since it is from random numbers and social media accounts. Eliza has begun to develop panic attacks, severe depression, and anxiety. She is unsure what to do.

**Question: Pretend you are the school counsellor – what would you recommend Eliza do?** [as above, but also consider speaking to a lawyer and making a report to the police].

Eliza contacts Youth Law Australia and asks two questions:

1. Have the boys done the wrong thing, or was it her fault for making comments at the party?
2. What can she do to stop the bullying and protect herself?

**Question: Pretend you are a lawyer at Youth Law Australia – what would you recommend to Eliza?** [explain that the boys have threatened, harassed, stalked etc

and it is illegal. Additionally recommend she speak to a counsellor, to the police, get an AVO etc]

Thanks to your advice, the bullying has stopped. However several months later, she receives a text from a random number that says “sorry”. After chatting to the number for a while she finds out it is one of the guys on the soccer team who had witnessed everything and had felt bad for ages about what happened. Eliza feels much better but it makes her wonder what she would have done if she had been in this boy’s position – could he have helped her?

**Question: Pretend you are the boy on the soccer team – what sort of things could you have done at the time of the bullying to help Eliza?** [refer to Youth Law Australia factsheet about this]

Eliza and the boy, who later admits to being Adam decide to launch a campaign at school about ending cyber-bullying.

**Question: pretend you have been recruited on to this team – what important things should be explained at the campaign, and what could be done as part of this campaign to help raise awareness about cyber-bullying, its effects and what can be done about it?** [there is no right answer here as long as students can identify some of the important laws, and protective strategies/ support services].