

Bullying by Mobile Phone, SMS or Internet Messaging

This document should be read in conjunction with the school's Anti-Bullying Policy.

Students and parents should be aware that **bullying by using any electronic communications methods** (mobile phones, fixed phones, any internet program etc) is **not only morally wrong and against Christian principles, but is a criminal offence under Australian law**. Bullying means any words or images which menace, harass or offend the person who receives them – anything which makes the receiver feel uncomfortable or unhappy.

The school wants students to understand that **bullying by electronic means is treated as seriously as any other form of bullying**, and that the school will take action to deal with students who bully others by these means. Because such bullying is also a criminal act, the school will actively cooperate with the police if parents of students who are being bullied in this way choose to seek police investigation of an offence against their child.

Parents of children who receive unwelcome, harassing or offensive messages from other students should advise the school.

Parents and students can also find **useful information about this subject** at the website of the Australian Mobile Telecommunications Association - <http://www.amta.org.au/> Just click on the link for **Community** and then **Cybersafety** in the top menu of the page, and look at the **menus** at the left of the next page. There are **'Bullying tips for kids'**, **'Tips for parents'** and several other linked pages.

Relevant legislation

We have provided the parts of relevant Australian laws about this subject so that you can see where this information comes from. This is technical legal language, but it is the legal basis for the advice we have given above.

Division 474 — Telecommunications offences

474.17. Using a carriage service to menace, harass or cause offence

(1) A person is guilty of an offence if:

(a) the person uses a carriage service; and

(b) the person does so in a way (whether by the method of use or the content of a communication, or both) that reasonable persons would regard as being, in all the circumstances, menacing, harassing or offensive.

Penalty: Imprisonment for 3 years.

[Crimes Legislation Amendment (Telecommunications Offences and Other Measures) Act (No. 2) 2004 – Schedule 1]

"carriage service" means a service for carrying communications by means of guided and/or unguided electromagnetic energy.

[Telecommunications Act 1997 – Section 7]