



Sexting & the law

What is 'sexting'?

- 'Sexting' is using mobile phones or the internet to share sexual photos or videos – such as images of naked or partly naked people, pictures of genitals or other private parts, people in sexy poses or information about sex. 'Sexting' can also refer to sending information about sex.

When is sexting legal?

- Young people can legally have sex when they've reached the 'age of consent'. The age of consent is 16 years in all Australian states and territories except South Australia, where the age of consent is 17.
- The laws about sexting are different. Young people cannot legally give their consent to sexting until they are 18 years. This means that a young person may be legally old enough to have sex but legally too young to be involved in sexting.
- Under national law that apply in all states and territories, sexting is legal only if:
 - all the people involved in the sexting are **18 years or over**. This means that the person sending the sexy image must be over 18 and the people they're sending it to must be over 18.
 - the people in any images being shared were 18 years or over when the photos or videos were taken, and they look like they were over 18.



When is sexting a crime?

- Under national law anyone receiving or sharing photos or videos of a young person who is under 18 years or who looks like they're under 18 can be charged in relation to child pornography.
- The penalties for child pornography are severe, and can include imprisonment. People convicted for child pornography can be listed on the register of child sex offenders.
- People who involve young people under 18 in sexting can also be charged with offences relating to child sexual abuse.
- Sexting people who don't want to be involved can be regarded as bullying – 'cyber bullying'.
- Sexting can be a crime if it is used to harass people of any age. Asking for or sending a nude or sexy image can be treated as an indecent or offensive act.

What if the people sexting each other are both under 18?

- People of any age involved in sexting with young people under 18 can be charged with child pornography under national law. This means that young people under 18 who get involved in sexting can be charged with child pornography.

Care and respect

- Apart from the legal issues, sexting can be disrespectful and abusive. It may seem to be fun at the time but things can change and it's very hard to completely remove images from the internet once they've been shared.



- So, always think twice about sexting. Don't do it unless:
 - o you're 18 or over
 - o the person you're sexting is over 18 and won't be upset or offended
 - o you're certain that the people in any sexy photos or videos you're sending are 18 or over, and that they look like they're under 18
 - o you're absolutely certain that the people in any sexy photos or images you're sharing have given permission for them to be shared.

Worried about some of the images you've been sent?

- Delete any sexy images sent to you straight away.
- If you're sent sexy images never send them on to other people.
- If you're being bullied or harassed, check out the **Lawstuff** website (see below).

Further information

- For more information on the laws about sexting in your state or territory and where to get legal advice, see the **Lawstuff** website at www.lawstuff.org.au – just select your state or territory, then choose 'sexting'.