

# Sexting Factsheet

## What impact might a criminal record have in the area of employment?

Research indicates that employers prefer not to hire a person with a criminal record, if given the chance to hire someone who does not have such a record. There can be a variety of reasons for this.

Some professions and occupations explicitly prohibit by law the participation of persons with certain criminal records. For example, a certain kind of criminal record will prevent people working with children. A criminal record may also prevent registration as a lawyer, doctor, optometrist, physiotherapist or architect.

A past conviction may also have an impact on someone seeking an occupational licence in industries like building, real estate and security. A person with a criminal record may also be prohibited from holding management positions in certain corporations and community organisations or from running for parliament.

Source: <https://humanrights.gov.au/our-work/rights-and-freedoms/human-rights-discrimination-employment-basis-criminal-record#toc2>

## What is sexting?

Sexting refers to using a mobile phone or the internet to take, ask for, receive, send or share intimate photos or videos (sometimes called 'nudes').

Sexting is not a crime if everyone involved is over 18, and consents. However, you should think carefully before you do. Once an image or video is shared, it is very hard to control how it is used after that.

## Sexting without consent

Sharing an intimate or sexy image or video of someone without their consent is a crime. Remember, just because someone has sent you a sext, it does not automatically mean they consent to the sext being shared with anyone else. People are allowed to change their minds about sexting at any time!

Sexting can be a crime if it involves people under 18, even if they have consented. This is because the sexts may be considered to be child abuse material.

## When sexting involves someone under 18

Sexting can be a crime if it involves people under 18, even if they have consented. Under the national law, it is illegal to make, share, request, access or possess images or recordings that are offensive and show a person under 18 in a sexual way. This includes texts or pictures of children and young people who are:

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- posing in a sexual way
- with someone else who is posing in a sexual way
- showing their private parts.

## When sexting involves harassment or threats

Sexting can also be a form of harassment. For example, someone might keep bothering you for a naked picture of yourself. Or they might send you naked pictures that you don't want, even if you tell them to stop. Or they might threaten to send a naked picture of you to other people without your permission.

Sexting that involves harassment or threats can be a crime, especially if it is done using the internet or your phone. If someone is harassing or threatening you, you can report them to police. If it is not an emergency, you can call the Police Assistance Line on 131 444. If you are scared for your safety or in immediate danger, you should call the police on 000.

## What can I do if I'm worried about a sext?

If you are worried about a sext someone has sent you, we recommend you:

- delete any images you are uncomfortable with straight away, especially if the person in the picture has asked you to
- don't send these images to anyone else or post them online
- if someone is sending you sexts, and you don't want to receive them, ask them to stop
- never request, share or keep sexts involving people under 18.
- If you are worried about a nude or sexual picture of you that someone has taken or shared (or threatened to take or share), there are things you can do to protect yourself, including:
  - collecting evidence
  - getting the images removed from the website or social media
  - getting legal advice
  - reporting the behaviour to police.

## Talk to someone

If you are feeling down, anxious or stressed about the situation, we encourage you to talk to someone you trust like a friend, your parents or another trusted adult. If you would rather talk to someone you don't know, you can call one of these services for free and private counselling support.

- [Kids Helpline](https://www.kidshelpline.com.au/) 1800 551 800 (available 24/7, for young people between 5 and 25)
- [eHeadspace](https://www.eheadspace.org.au/) 1800 650 890 (available 9am to 1am, everyday, for young people between 12 and 25)

Source: <https://yla.org.au/vic/topics/internet-phones-and-technology/sexting-laws/>