

Guide 5:

Get legal help

No one deserves to be abused, threatened or stalked through technology. It's scary, unsafe and it is not OK. You have the right to be safe.

You can get legal help if technology is being used to abuse, control or frighten you.

Get legal help

If someone is using technology to abuse, control or frighten you, there are laws that can help protect you.

Because every situation is different, it is important to get legal advice about your particular situation. This Guide is not legal advice, it can only offer general points for you to consider.

Is abuse through technology illegal?

Abuse through technology includes a wide range of behaviours, many of which are crimes under Australian law and can be reported to the police.

Australia has laws relating to:

- Stalking
- Sending threatening email, texts or messages
- Installing spyware on electronic devices
- Harassment
- Defamation
- Sharing intimate images

Information on Australian laws in each state and territory can be found (in English) at SmartSafe smartsafe.org.au/legal-guides.



Collecting evidence

Stalking, harassing or threatening someone is a crime in every state and territory of Australia. Recording and keeping evidence of the abuse will help prove that the offence occurred. If it is safe to do so, collect evidence in a way that works best for you.

The most important thing is your safety, both physical and emotional.

Evidence of abuse through technology can include:

- Screenshots
- Saved voicemail messages
- Printed emails and social media posts
- Written records of what has happened in a log or journal.

Further information about how to collect evidence can be found (in English) at eSafety-Women esafety.gov.au/women/take-control/esafety-planning/collecting-evidence.

Where can you get legal advice?

A lawyer or legal service can help by discussing legal options with you, including how to apply for a protection order. If needed, they should also speak to the police with you.

Women's legal services in each Australian State and Territory provide free and confidential legal advice to women. Some states and territories also have specialised legal services for women experiencing domestic violence. Go to wlsa.org.au for more information.

1800RESPECT provides (in English) a list of support services and legal resources in each state and territory 1800respect.org.au/help-and-support/violence-and-the-law.

Obtaining a protection order

You may need legal protection if technology is being used to abuse, control or frighten you. You, or the police on your behalf, can apply for a protection order preventing the person abusing you from doing certain things such as: approaching you, contacting you, or monitoring where you go and what you do.

Contact your local police to discuss a violence or protection order. A lawyer or legal service can also help you apply for a protection order if you need one. Protection orders are known by different names in Australian states and territories. Your lawyer or the police should be able to advise what is best for you.

It is a crime to breach a protection order. Once you have a protection order in place, you should let the police know immediately if you think it is being breached. Make sure you keep a record of any incidents you think are breaches as these records can serve as evidence.

Get help

Remember! Abuse through technology is not OK and not your fault. Help is available.

If you are feeling unsafe, contact police and emergency services at **Triple Zero (000)** straight away.

If you do not speak English, call **Triple Zero (000)** from a fixed line and ask for 'Police', 'Fire', or 'Ambulance'. Once connected you need to stay on the line and an interpreter will be organised.

If this is not an emergency, you should call or visit your local police station.

For further help, contact **1800RESPECT** from a safe phone or device as soon as possible: **1800 737 732**
1800respect.org.au

1800RESPECT offers 24-hour, free and confidential safety planning, counselling and support for all types of abuse, including family abuse and sexual abuse. They can also connect you to other services in your area. Go to 1800respect.org.au/languages/ for more information, advice and videos in other languages.