

***The Human Faces***

*Behind*

***Cyberbullying Offences***

*an*

***Australian Case Study***

*when*

***“Using a carriage service to menace, harass or cause offence”***

*by*

***Stewart Healley***

***May 2011***

## ***Telecommunication Offences - Australian Cases***

### ***“Using a carriage service to menace or harass or cause offence”***

#### **Summary**

#### **Examples #:**

#### **Australian Cases of Cyberbullying**

1. Daniel McDonald (19) - ADFA Cadet – Indecent Act + Skype Broadcast Sexual Act  
Dylan De-Blaquiere (18/19/?) - ADFA Cadet – Skype Broadcast Recipient – [30/04/2011]
2. Ronald William Albert ( ? ) – Ex Couple [Offensive Phone Calls After Police Warning]  
Julie Meikle (36) – Ex Couple [Offensive Phone Calls After Police warning]  
– [29/04/2011]
3. Bradley Paul Hampson (29) – Internet “Trolling” Offensive - Messages & Photos on “RIP”  
Tribute Web Sites. – [20/04/2011]
4. John Elias (48) – NRL Football Betting Scandal – Contacting Witnesses – [23/03/2011]
5. Name Withheld - Male (24) – sent 22 x Text & Photos to 2 x 15 Year Old Girls  
– [24/02/2011]
6. Peter James Hopwood (23) – Threatening Phone Calls to Ex Partner – [21/02/2011]
7. Jason Ronald Vaughan (35) – Threatening 2 x Women e-mails & phone calls  
– [10/01/2011]
8. Lidija Dumbaloska (37) – Former Girlfriend Macedonian Ambassador – [02/01/2011]
9. Danziel Marcia McNamara (47) – Derogatory Comments via 15 x Text Messages  
- [11/12/2010]
10. John Desmond Allen (31) – 79 x Phone Calls to Peel Police Station and 500 x Phone  
Calls to Church of Scientology – 70 calls in one day + Abusive Calls – [03/11/2010]
11. Unnamed Male (25) – Police Sting Operation posing as 13 Year Old Girl – Sexually  
Explicit Phone Text and Internet Messages – [27/08/2010]
12. Dale McAlpine (30) – Initial contact with 11 Year Old Girl – Police took over Contact  
recording Sexually Explicit and menacing E-mail Messages – [13/08/2010]
13. Brodie Owen Koina (20) - sending abusive texts messages to his ex-girlfriend and her  
new lover. “I am forced to ask why you haven’t grown up like everybody else,” Her  
Honour said. “I suggest you need some relationship counselling.” – [13/08/2010]
14. Unnamed (33) Male – Attempting to Procure & Transmit Indecent Communications  
. – [10/08/2010]

## Summary (cont)

### Examples #:

#### Australian Cases of Cyberbullying (cont)

15. Denis Mulheron (62) – “WORDS NOT ILLEGAL” “ Niggers” & “Sandnigger Terrorists” . – [10/08/2010]
16. Murray Colin Stubbs (45) – Ex Teacher - Canberra ACT - Grooming – NZ Police Sting Operation posing as a 14 Year Old Girl. . – [05/08/2010]
17. Jessica Chantelle Cook (22) – Internet Troll – “Cook described herself as a “troll” - a person who defaces internet tribute sites to cause grief.” – [03/08/2010]
18. Lindsay Ann Mastroieni (22) - sent six abusive text messages to the girlfriend of alleged murderer Ryan Dwyer. – [15/01/2010]
19. Sutherland Police Officer (43) - stalking and making physical threats towards his Sydney neighbour. – [01/04/2010]
20. Unnamed (29) Male - sending Threatening emails to a radio talkback host in the wake of the Cronulla riots and public disorder incidents in December  
Unnamed (21) Male - Strike Force Enoggera is a Police initiative specifically set up to investigate the Cronulla race-based riot - [08/02/2006]
21. Unnamed (33) Male - Matraville - repeatedly sent out two messages telling people to gather at Cronulla last Sunday, a week after the initial riot – [23/12/2005]
22. Unnamed (19) Male - Canberra used Facebook to threaten another man, that man’s brother and the brother’s girlfriend for more than two weeks [?]

#### Victims of Work Place Bullying

23. Brodie Panlock (19) - committed suicide when she jumped off the roof of an apartment building after being bullied by co-workers at a Hawthorn cafe.[Sept 2006]

#### Victims of Overseas Cyberbullying in Australia

24. Cameron Lowe (17) – died after street fight : Ghoulis Facebook Tribute Website vandals mock Australian laws [November 2010]

## Summary (cont)

### Examples #:

#### Victims of Cyberbullying in Australia

25. Overview of Suicide - Alex Wildman (14); Chanelle Rae (14); Allem Halik (17)
26. Geelong Teen s Suicide Deaths - Chanelle Rae (14); Natalie Rowe (14); Zac Harvey (15) & Taylor Jennsen (16) – [Girlfriend
27. Alex Wildman (14) died in 2008 following repeated bullying at schools in Sydney and Lismore, on the state's north coast of NSW.
28. Allem Halkic (17) jumped from Melbourne's West Gate Bridge on Feb. 5, 2009, after an ex-friend sent him a stream of threatening messages via SMS and the internet. On April 8, Allem's tormentor, Shane Phillip Gerada, 21, became the first person in Australia to face prosecution for stalking via cyberbullying when he pleaded guilty in the Melbourne Magistrates Court to stalking. Said magistrate Peter Reardon, "It demonstrates SMS messages or internet communication may have severe consequences on intended victims, whether meant to or not."

#### Victims of Cyberbullying in USA

29. Seth Walsh (13) – Hung himself at Home. Even before he came out, he was teased enough, his grandparents say, that he was homeschooled on two separate occasions. Seth's grandparents say the breaking point came after what they believe was a bullying incident in a local park on Sept. 19. After the incident, Seth appeared to be acting normally at home
30. Asher Brown (13) - Shot himself at Home. T he family actually relocated to the Cypress-Fairbanks area, away from another district because they say Asher Brown was also being bullied there -- a move they say only made things worse The Truongs say their son often tried to hide that he was being picked on because he felt the bullying would get worse if he told. They say the night before his suicide, he seemed sad. When they asked what was wrong, they say they let it go after he said he was fine.
31. Tyler Clementi (18) - Jumped off Bridge and Drowned This occurred after his sexual encounter with a man in his dorm room was [video streamed](#) over the [Internet](#) without Clementi's knowledge, by his roommate Dharun Ravi and a fellow hallmate Molly Wei, and after a second attempt was made by Ravi to record Clementi's sexual encounters.
32. Jon Carmichael (13) - Hung himself at Home. Bullying may have claimed the life of another student. Jon Carmichael took his own life Sunday after some say he was bullied by bigger classmates

## Summary (cont)

### Examples #:

#### Australian Government Cyberbullying Initiatives

33. **May 2008** – The Australian Government committed \$125.8 million over four years to a comprehensive cybersafety plan to combat online risks and help parents and educators protect children from inappropriate material. Measures include increased funding towards cybersafety education and awareness raising activities, content filtering and law enforcement.

The government's commitment to cybersafety includes:

- expanding the Australian Federal Police (AFP) Child Protection Operations Team to detect and investigate online child sex exploitation
- funding to the Commonwealth Director of Public Prosecutions to manage increased activity resulting from the AFP work to ensure that prosecutions are handled quickly
- funding to the Australian Communications and Media Authority (the ACMA) to:
  - implement a comprehensive range of **cybersafety education** activities including improving current government
  - cybersafety website resources, make them easier for parents to use, and to provide up-to-date information,
  - implement an online helpline to provide a quick and easy way for children to report online incidents that cause them concern
- developing and implementing **ISP filtering**, which included undertaking a real world **live pilot**
- expanding the **Consultative Working Group** that considers the broad range of cybersafety issues and advises government to ensure properly-developed and targeted policy initiatives
- forming a **Youth Advisory Group** to provide advice to the Consultative Working Group on cybersafety issues from a young person's perspective
- ongoing **cybersafety research** into the changing digital environment to identify issues and target future policy and funding.

## Summary (cont)

### Examples #:

#### Australian Government CyberBullying Initiatives (cont)

34. **May 2009** - The Youth Advisory Group is one part of the Government's \$125.8 million cyber-safety plan announced in May 2008, which includes a comprehensive range of measures such as:
- law enforcement, including 91 extra Australian Federal Police officers
  - education and information measures
  - resources such as help-lines and websites
  - ISP content filtering
  - consultative arrangements with industry, child protection bodies, and
  - Research to identify possible areas for further action.
35. **November 2010** - The Gillard government has agreed to a Senate inquiry's recommendation that it devise and fund a suicide prevention strategy to counsel and support Aborigines and Torres Strait Islanders, who are twice as likely as white Australians to take their own lives.

A 10-year-old indigenous girl who hanged herself this year was among 85 Queensland children and teenagers who have killed themselves in the past five years.

The Queensland commission found that 63 per cent of children who committed suicide had "significant behavioural problems and disciplinary problems".

"This included ongoing truancy, physical and verbal abuse of others, suspension or exclusion from school [and] contact with police and/or youth justice," it says in a submission to the Senate inquiry into suicide. "These findings challenge the popular belief that most students who suicide are predominantly introverted, withdrawn and often bullied. Sixty per cent . . . had previously stated or implied their intention to suicide."

**"WE still BLAME the VICTIMS"**

***"Feeling Bullied and Helpless can be EXTERNALISED with FRUSTRATION & ANGER***

***Feeling Bullied and Hopeless can be INTERNALISED with SHAME & SUICIDE***

Australian

Cyberbullying - Court Cases

with

Charges

of

“Using a Carriage Service to Menace,  
Harass or Cause Offence”

Examples

## Australian - Cyberbullying - Court Cases

### Example # 01.0

#### New internet law to be tested by Skype sex claims

Lauren Wilson  
From: *The Australian*  
April 30, 2011 12:00AM

<http://www.theaustralian.com.au/news/nation/new-internet-law-to-be-tested-by-skype-sex-claims/story-e6frg6nf-1226047248774>



*Australian Defence Force Academy cadets Daniel McDonald and Dylan De-Blaquiere were released on bail from the Magistrates Court in Canberra. Picture: Gary Ramage*

Read more: <http://www.news.com.au/features/adfa/two-cadets-charged-over-adfa-sex-scandal/story-fn8eum6d-1226046930120#ixzz1Kys0PsD3>

**DEFENCE cadet Daniel McDonald made gestures "for the boys" as he had sex with a female cadet while broadcasting the encounter via webcam to six men in another room, court documents allege.**

Mr McDonald, 19, and fellow Australian Defence Force Academy Cadet Dylan De Blaquiere were today charged over the so-called Skype sex scandal in the ACT Magistrates' Court.

Police documents tendered to the court state Mr McDonald asked a female cadet if they could become "friends with benefits" - a euphemism for having a casual sexual relationship.

The woman agreed on the basis that the arrangement would be secret.

## **Australian - Cyberbullying - Court Cases** (cont)

### **Example # 01.0** (cont)

On the same day, police allege Mr Blaquiere suggested to Mr McDonald that he connect to his computer via Skype to broadcast their upcoming sexual tryst.

Mr De Blaquiere and five other cadets - named as Corey Parker, Damian Mahon, Zach Fitzgerald, Jackson Fysh and David Pace - allegedly watched the couple have sex from Mr De Blaquiere's room.

Mr McDonald has been charged with using a carriage service to cause offence, and an act of indecency.

Mr De Blaquiere is charged with using a carriage service to cause offence.

Police allege Mr McDonald sent a message via Facebook to another man before the March 29 sex act telling him what he intended to do.

"Ok well I'm about to root a girl and have a webcam set up to the boys in another room," police allege, on the basis of information provided by a computer forensics team.

Mr McDonald allegedly answered "nope" when asked if the woman knew she was going to be broadcast via webcam.

But in his in an April 11 interview with a defence legal officer, Mr McDonald said he had told the woman she would be filmed while having sex, to which she replied "cool", or "good".

The police statement alleges the sexual encounter lasted about 15 minutes, during which time Mr McDonald "controlled the positions they were in".

"The defendant later disclosed to Mr Friend that he was making gestures towards the webcam 'for the boys'," police allege.

The Skype call lasted 22 minutes, after which Mr McDonald went into Mr De Blaquiere's room.

"Although he expected some people to be in there, he did not expect them all to be in there and was unhappy about the crowd," the police document alleges.

Police seized several mobile phones, a Motorola laptop computer, a Samsung Galaxy tablet, and a Hewlett Packard laptop.

The accused were bailed to reappear in court on May 20.

They have been barred from approaching the complainant in the case, or having any contact with her.

## **Australian - Cyberbullying - Court Cases** (cont)

### **Example # 01.0** (cont)

The pair were also ordered not to discuss the case with each other or the other men allegedly involved, while none are allowed to have any contact outside of their ADFA classes.

ACT chief magistrate John Burns closed the court for about five minutes after an appeal by barrister Bryan Cook, representing the accused.

Mr Cook argued the media should be ejected from the court due to "matters of national security".

There was vigorous argument on bail conditions with magistrate Burns intervening at one point to ask Mr Cook: "Are you appearing on behalf of the ADF or your client?"

Mr Burns said the men faced "serious charges".

The name of the complainant was suppressed.

The solidly built Mr McDonald and the slighter Mr De-Blaquiere were led from the court complex via a side entrance to avoid a large media pack.

They were driven away in a black Land Rover Discovery hunched down in their seats.

Defence Minister Stephen Smith announced six separate inquiries this month in the wake of the scandal.

Then woman's allegations sparked a wave of claims of sexual misconduct and cover-up within the defence community.

The scandal resulted in Australian Defence Force Academy commandant Bruce Kafer, who was criticised over his handling of the incident, being ordered to take indefinite leave.

In the wake of the scandal, Sex discrimination commissioner Elizabeth Broderick has been tasked with examining the treatment of women in the ADF.

Other reviews will examine the broader ADF culture and the use of alcohol and social media by defence personnel.

The scandal also prompted a fast-tracking of all ADF jobs being opened up to women, on merit, including frontline combat roles.

**Using a carriage service to menace, harass or cause offence is a relatively new cyber stalking offence under the federal criminal code, punishable by a maximum three years jail.**

**A person found guilty of committing an act of indecency against an adult can face up to 18 months jail.**

## **Australian - Cyberbullying - Court Cases** (cont)

### **Example # 01.1**

#### **AFP scrutinises law after cadet sex claims**

Updated Mon Apr 18, 2011 12:18pm AEST



The Director of Public Prosecutions is investigating the allegations. (Australian Defence Force)

#### **The Federal Police and the Federal Government have hinted laws about transmitting pictures over the internet might need strengthening, following allegations a female Defence Force Academy cadet was secretly webcasted having sex.**

The Director of Public Prosecutions is investigating allegations the cadet known as Kate was secretly filmed having consensual sex with a male cadet and that it was broadcast to other cadets without her knowledge.

Federal Police Commissioner Tony Negus says he is still waiting to find out if the alleged act breached any laws.

"It's very difficult for me to sit here and examine each particular hypothetical scenario of what would or would not fall into the context of an offence," he said.

"That is what is being considered at the moment. It's being done very quickly and very thoroughly and we don't want to prejudice that by speculating about what is or what isn't falling within that.

"If there are gaps that appear in any of this, we will be talking to the Government about how we might close those gaps."

Commissioner Negus says whether or not an offence was committed under ACT legislation depends on a "range of circumstances".

"It depends on whether it is transmitted across a telecommunications device for instance, what the circumstances are around there," he said.

## **Australian - Cyberbullying - Court Cases** (cont)

### **Example # 01.1(cont)**

Commissioner Negus also defended his organisation's initial advice that no offence had been committed by the male cadets.

"The original advice that was provided was on a very bare sort of set of circumstances," he said.

"That advice that was provided to Defence did not really fully comprehend the magnitude of what we now know to be the case."

Home Affairs Minister Brendan O'Connor says he supports the inquiries into laws about webcasting without consent.

"I'm certainly happy to look at whether there are any deficiencies at all with any laws which relate to offences against individuals," he said.

But Mr O'Connor says there are some laws in place that may cover the alleged incident.

"There is a Privacy Act and also a criminal code which would go to matters about providing information without consent or transmitting information without consent," he said.

### **'Careful consideration'**

Defence Minister Stephen Smith says he will not be rushed into making decisions about whether there are systemic problems in the Defence Force.

On the same day the sex allegations surfaced, Kate was fined and confined to the base over separate incidents involving absenteeism and the consumption of alcohol.

Mr Smith says that was a serious error of judgment, but he will not say if he has lost faith in the head of the Defence Force Academy, Commodore Bruce Kafer.

"I'm not proposing in any of these matters to rush to judgment or to take steps that are not sensible, orderly and given very careful and methodical consideration," he said.

Defence Chief Angus Houston says the ADF acted swiftly to begin the investigation, saying it "took the investigation very seriously from the start".

"We called in the AFP the day after this was first notified and that was on April 1," he said.

"We have been working very closely with them on the investigation since."

But Air Chief Marshal Houston will not say if heads will roll.

## **Australian - Cyberbullying - Court Cases** (cont)

### **Example # 01.1(cont)**

"I'm not going to go there. We always deal with matters in the Defence Force, matters of justice, we always deal with them in a matter of due process," he said.

"Natural justice is very important to us."

He says he found the circumstances of the alleged incident "absolutely abhorrent" but would not comment further, saying he did not want to prejudice the AFP investigation.

He says all the cadets involved will enjoy the "best support" possible, "most particularly to the young lady who is obviously under a great deal of stress".

*Editor's note: (April 18) This article originally reported that Bruce Kafer was a Commander instead of his correct rank of Commodore.*

**Tags:** [defence-and-national-security](#), [defence-forces](#), [federal-government](#), [information-and-communication](#), [internet](#), [law-crime-and-justice](#), [sexual-offences](#), [australia](#), [act](#), [canberra-2600](#)

First posted Thu Apr 7, 2011 2:04pm AEST

**MORE** [stories from the ACT](#)

## **Australian - Cyberbullying - Court Cases** (cont)

### **Example # 02.0**

#### **Texting lands couple in court**

Tara Miko | 29th April 2011  
Central Queensland News

<http://www.cqnews.com.au/story/2011/04/29/foul-mouthed-texting-lands-couple-in-court/>

**SENDING foul-mouthed, inflammatory and derogatory text messages can lead to hefty fines and a stern warning from a magistrate.**

**Just ask Ronald William Albert and Julie Meikle, who both pleaded guilty to one count each of using a carriage service to menace, harass or cause offence in Emerald Magistrate's Court on Wednesday.**

Police prosecutor Sergeant Robyn Schapcott told the court of a friendship break-up in November last year between Mr Albert and Ms Meikle and another man.

Following the friendship break-up, Mr Albert and Ms Meikle both moved to Capella and began to ring and send harassing messages to the other man.

On March 15, the victim messaged Ms Meikle and said he didn't want any more messages or phone calls from the two, who by that stage had entered into a relationship.

The messages continued until the victim contacted Capella police who then issued Mr Albert and Ms Meikle with a warning, and informed them sending harassing messages and phone calls was an offence.

The warning seemed to have worked until April 1 when, in the early morning, Mr Albert and Ms Meikle made a number of profane phone calls to the victim, who contacted police again.

On April 9, both Mr Albert and Ms Meikle went to the Capella police station but declined an interview, and instead were issued with a notice to appear in court.

Sgt Schapcott noted the charge before the court was not the most serious offence, but said it was the disregard of the police warning which gave the case severity.

Solicitor Charles Lumsden, appearing for both defendants, said it was an "unfortunate incident" and his clients were remorseful and embarrassed by the events that took place.

## **Australian - Cyberbullying - Court Cases** (cont)

### **Example # 02.0** (cont)

He said the friendship breakdown which sparked the series of events began when Mr Albert and Ms Meikle disagreed with a lifestyle choice the victim had made, and an equal number of text messages were sent on both parties' accounts.

"They tell me they deleted the messages because their children have access to that mobile phone and they didn't want them exposed to those sorts of messages," he said, referring to his clients.

Mgst Cameron Press told Mr Albert, a chef in Capella, and Ms Meikle, a 36-year-old mother of three, the series of events was not the most serious charge before the court but was concerned about the apparent lack of heed taken by the police warning in March.

He fined the pair \$300 each with no conviction recorded.

"That is, in part, because you were warned by police but you persisted in sending messages," Mgst Press said.

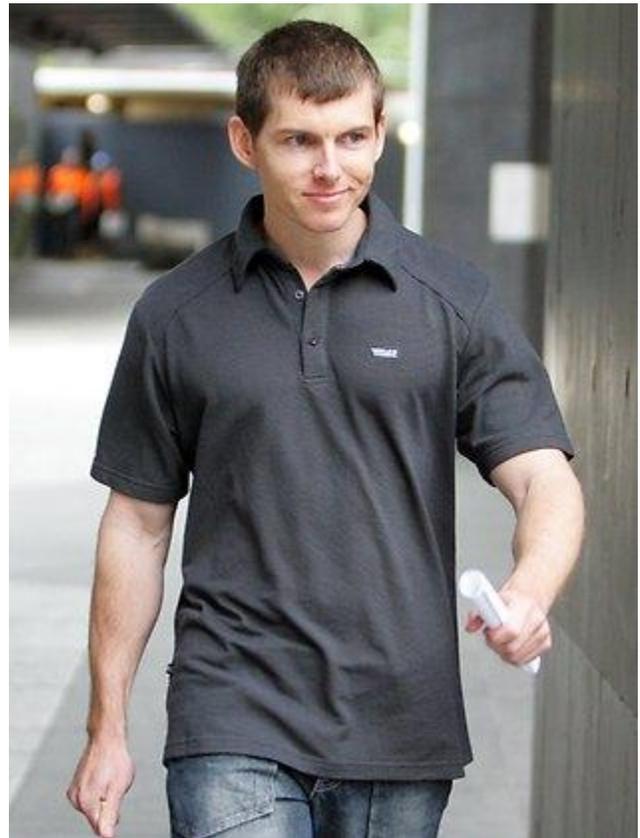
## Australian - Cyberbullying - Court Cases (cont)

### Example # 03.0

#### Facebook troll Bradley Paul Hampson seeks bail, appeal against jail term

- By Tony Keim
- From: *The Courier-Mail*
- April 20, 2011 10:13AM

<http://www.news.com.au/technology/facebook-troll-bradley-paul-hampson-seeks-bail-appeal-against-jail-term/story-e6frfro0-1226042043525>



Bradley Paul Hampson is the first person to be charged and convicted of Facebook vandalism. Source: *The Courier-Mail* Source: The Courier-Mail

**THE first Australian convicted of "internet trolling" by plastering child pornography on the Facebook tribute pages of two slain Queensland schoolchildren is seeking bail pending an appeal against his three-year jail term.**

Lawyers for Bradley Paul Hampson, 29, this morning told *The Courier-Mail* an application had been lodged by their client for Supreme Court bail pending an appeal against his sentence.

## **Australian - Cyberbullying - Court Cases** (cont)

### **Example # 03.0** (cont)

Last month Hampson fronted the the Brisbane District Court for posting offensive messages and photos on Facebook "RIP tribute" pages for a 12-year-old boy stabbed at a Brisbane school and a nine-year-old Bundaberg girl abducted and murdered in February last year.

**Hampson, of Tarragindi, on Brisbane's southside, pleaded guilty to two counts of using a carriage service, the internet, to cause offence and one each of distributing and possessing child exploitation material - meaning child pornography - between February 14 and June 4 last year.**

Prosecutors said Hampson posted photographs of one victim with a penis drawn near their mouth and highly offensive messages, including "Woot I'm Dead", "Had It Coming" and others too offensive to publish.

The court was told the deaths of both children received extensive media coverage; however, under Queensland law neither child could be identified.

Prosecutor Anthony Gett said Hampson used the pseudonym of "Dale Angerer" to engage in internet "trolling" - which means to post inflammatory, extraneous or off-topic messages in an "online community".

"This in my research is the first (criminal internet) trolling case . . . in Australia," Mr Gett said.

"These posts (by Hampson) were designed to offend all of the members (of the tribute sites).

"He was mocking the deaths of these children in a highly sexual manner."

Barrister Carl Heaton, for Hampson, said his client's actions could be construed as those of ``an appalling human being".

However, he said Hampson, who was autistic, was retaliating against people who had been offensive toward him and a Facebook site designed to assist autistic people.

Judge Kerry O'Brien, in sentencing Hampson on March 25, said: ``One can only judge your conduct as being depraved."

Judge O'Brien jailed Hampson for three years, but ordered he be released after serving 12 months.

Read more: <http://www.news.com.au/technology/facebook-troll-bradley-paul-hampson-seeks-bail-appeal-against-jail-term/story-e6frfro0-1226042043525#ixzz1Kym9N3gJ>

## **Australian - Cyberbullying - Court Cases** (cont)

### **Example # 03.1**

#### **Australian jailed for defacing kids' Facebooks**

March 26, 2011

<http://news.smh.com.au/breaking-news-technology/australian-jailed-for-defacing-kids-facebooks-20110326-1cacd.html>

An Australian man was jailed for a year on Friday for defacing online tributes to two dead children with child pornography and offensive comments.

Bradley Paul Hampson vandalised the Facebook pages dedicated to two Queensland children who died in February 2010 -- a 12-year-old boy who was stabbed in the schoolyard and an eight-year-old girl found dead in a drain.

More than 9,000 people had joined the Facebook pages, mostly to express shock and offer their condolences, on which Hampson posted digitally altered images of the children and offensive messages, reports said.

Prosecutors said that among Hampson's posts were photographs of the dead girl and the message "Had It Coming".

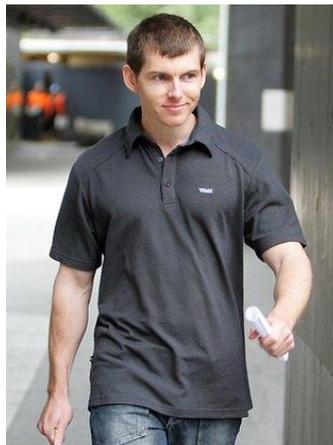
**The Courier Mail said he pleaded guilty on Friday to distributing child exploitation material and possessing child exploitation material, and using a carriage service to menace, harass or cause offence.**

Judge Kerry O'Brien sentenced Hampson to three years, but ordered he be released after serving 12 months, the paper said.

Hampson was arrested after police searched his Brisbane home last June, seizing computer equipment containing altered images of the dead children.

Brisbane District Court was told Hampson said he defaced the websites because he had been previously harassed online.

© 2011 AFP



Autism?

## **Australian - Cyberbullying - Court Cases** (cont)

### **Example # 03.2**

#### **Australian jailed for defacing kids' Facebooks**

AFP March 25, 2011, 4:15 pm

<http://au.news.yahoo.com/thewest/a/-/world/9078060/australian-jailed-for-defacing-kids-facebook/>

**SYDNEY, March 25, 2011 (AFP) - - An Australian man was jailed for a year on Friday for defacing online tributes to two dead children with child pornography and offensive comments.**

Bradley Paul Hampson vandalised the Facebook pages dedicated to two Queensland children who died in February 2010 -- a 12-year-old boy who was stabbed in the schoolyard and an eight-year-old girl found dead in a drain.

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Prosecutors said that among Hampson's posts were photographs of the dead girl and the message "Had It Coming".

**The Courier Mail said he pleaded guilty on Friday to distributing child exploitation material and possessing child exploitation material, and using a carriage service to menace, harass or cause offence.**

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Hampson was arrested after police searched his Brisbane home last June, seizing computer equipment containing altered images of the dead children.

Brisbane District Court was told Hampson said he defaced the websites because he had been previously harassed online.

## **Australian - Cyberbullying - Court Cases** (cont)

### **Example # 03.3**

#### **Accused Facebook vandal in court**

17th September 2010  
News Mail

<http://www.news-mail.com.au/story/2010/09/17/accused-facebook-vandal-to-face-court/>

**THE man accused of defacing tribute sites of two dead children, including Bundaberg girl Trinity Bates, has allegedly breached his bail undertaking.**

Bradley Paul Hampson, 29, of Southport, was charged by Gold Coast police and State Crime Operations Command's Taskforce Argos with three counts of breach of bail yesterday afternoon.

The *NewsMail* understands Hampson accessed online dating websites, even though he was banned from using the internet as a strict condition of his bail.

It is alleged that Hampson accessed websites including swingers site hotpie.com.au and dating site adultmatchmaker.com.

**He is facing charges of using a carriage service to menace, harass or cause offence and possessing child exploitation material.**

Police allege Hampson defaced memorial pages devoted to eight-year-old Bundaberg girl Trinity and 12-year-old slain Brisbane student Elliott Fletcher.

The pages were flooded with graphic images of bestiality, child pornography and violence.

He is expected to appear in the Southport Magistrates Court today.

Hampson, the first man ever to be charged with Facebook vandalism in Queensland, has denied any contribution to the online attacks.

**He is due to face court on the original charges next month at Brisbane Magistrates Court.**

## Australian - Cyberbullying - Court Cases (cont)

### Example # 03.4

#### Australian Sentenced to Year in Jail for Defacing Children Facebook Page Tributes

28/03/2011

<http://www.tmcnet.com/news/2011/03/28/5406109.htm>



By [Ed Silverstein](#)

TMCnet Contributor

A self-confessed "troll" has been sentenced to spend a year in an Australian jail after he was found to have crudely defaced tributes to two dead children, according to media reports. The [AFP reports](#) that Bradley Paul Hampson, 29, defaced the pages with inappropriate child images and offensive comments.

The Queensland, Australia, children died in February 2010. Hampson placed "digitally altered images of the children" on the sites, AFP said and posted in appropriate comments about the children's horrific deaths.

Australia's Courier Mail newspaper said Hampson pleaded guilty to distributing child exploitation material and possessing child exploitation material, and using a carriage service to menace, harass or cause offense - each a charge in Australia's justice system. Hampson said he defaced the websites because he had been "harassed online," AFP reports.

Rather than using his own name when he wrote the explicit and graphic comments, Hampson used the name of a Bundaberg, Australia, man who he had gone to school with, according to the Brisbane Times. The other man was distressed that his name had been used in the incidents, the newspaper added.

Because Hampson has been in jail for the past seven months, he is expected to be released in September, according to [AllFacebook.com](#).

**All Facebook (News - Alert) explains that trolling is "the intentional act of posting material online to offend, harass, or threaten others."**

## **Australian - Cyberbullying - Court Cases** (cont)

### **Example # 03.4** (cont)

In other Facebook-related news, [TMCnet reports](#) a 34-year old Michigan man was arrested earlier this month on polygamy charges and he was caught thanks to his wedding photos, which he posted on his Facebook profile. Richard Barton Jr., of Grand Rapids showcased pictures of his recent happy nuptials but simply forgot one important detail: his first wife to whom he was still legally married had access to the photos, TMCnet added.

Also, [TMCnet reported](#) that when investigating a crime, Facebook and Twitter are often the first places the cops look, according to The New York Times.

For example, when 18-year-old Kayla Henriques stabbed 22-year-old Kamisha Richards in the chest over \$20, NYC police just had to turn on their computers to find a motive. There in a message string on Facebook, they found all the evidence they needed, TMCnet said.

*Ed Silverstein is a TMCnet contributor. To read more of his articles, please visit his [columnist page](#).*

## Australian - Cyberbullying - Court Cases (cont)

### Example # 04.0

#### Elias arrested for breaching betting bail

By Nathan Ryan

23 March 2011 05:10PM EST

<http://www.sportsnewsfirst.com.au/articles/2011/03/23/elias-arrested-for-breaching-betting-bail/>



*Elias appeared in Bankstown Local Court charged with breaching his bail conditions. (ABC)*

FORMER NRL star John Elias is believed to be in jail after breaching his bail over charges surrounding the NRL betting scandal.

Former player John Elias has plead not guilty in court over a betting scandal

NSW police revealed a 48-year-old man has been met with additional charges against him on Wednesday following police enquiries into the alleged betting activity of round 24's North Queensland and Canterbury Bulldogs match in Townsville.

That man is understood to be Elias.

Casino and Racing Investigation Unit detectives arrested the man just after 2pm and took him to Bankstown Police Station where he was charged with breaching his bail, relating to contact made with a witness in the investigation.

He was refused bail, and will appear at Bankstown Local Court tomorrow.

## **Australian - Cyberbullying - Court Cases** (cont)

### **Example # 04.0** (cont)

**In a release from NSW police today, police also revealed he had been charged with two counts of "use carriage service to menace, harass or cause offence."**

"The man was previously arrested by police on March 3 this year and charged with attempt to obtain financial advantage by deception.

"He was granted conditional bail to appear at the Downing Centre Local Court on April 7, 2011."

The former Newtown, Wests, Canterbury, Easts, Balmain and Souths forward was arrested following raids on his and player agent Sam Ayoub's homes on Thursday the of March 3.

The pair were charged with attempting to defraud betting agencies, an offence which carry maximum sentences of 10 years jail.

Elias is no stranger to prison having served time for drugs and fire-arms offences. During the 1980s and '90s, he worked as a stand-over man for the notorious crime boss Danny Karam who was gunned down in 1998.

The arrest today follows ongoing investigations by Strike Force Suburb detective's who were established in 2010 to investigate alleged illegal betting activity surrounding the Round 24 NRL match between the Bulldogs and the Cowboys.

The incident involved a plunge on a betting option that the first points of the game would come from a penalty goal.

Bulldogs player Ryan Tandy was penalised two minutes into the game for impeding Cowboys playmaker Grant Rovelli in front of the posts.

The Cowboys were awarded a penalty, but did not opt for a kick at goal and instead scored a try from a quick tap.

Police say their investigation is still continuing.

## **Australian - Cyberbullying - Court Cases** (cont)

### **Example # 05.0**

#### **Man sent suggestive texts to two minors**

ROANNE JOHNSON | February 24th, 2011

[http://www.townsvillebulletin.com.au/article/2011/02/24/209981\\_news.html](http://www.townsvillebulletin.com.au/article/2011/02/24/209981_news.html)

**A TOWNSVILLE fast-food store manager has appeared in court for having inappropriate dealings via text message with two 15-year-old girls, one a former employee and the other a job applicant.**

**The 24-year-old man pleaded guilty yesterday in the Townsville Magistrates Court to one charge of using a carriage service to menace, harass or cause offence.**

Commonwealth prosecutor Aimee Aisthorpe said that between December 2009 and January 2010 the defendant who cannot be named in case it identifies the complainant sent 22 text messages and made numerous phone calls to an underage girl who had worked at the store.

On January 5, he sent 14 messages to the teenager and she sent 12 back, but a majority of those messages could not be recovered from their mobile devices.

However, at least two messages were revealed the first at 10pm saying "Hey want to get drunk? I will buy drinks" followed by another message at 12.45am saying "Hey I'll give (your friend) \$150 for a BJ."

The teenager passed that text on to the girl referred to in the message, who was also underage and had just applied for a casual position with the same outlet.

That girl showed her father who complained to store management and the Townsville child protection investigation unit then interviewed the two teenagers and the accused.

Ms Aisthorpe said the girls interpreted the message as a request for a sexual favour in exchange for money and the defendant admitted to police that was the case but said it was intended to be a joke.

The prosecutor said the sexual connotation of the message, the young age of the two girls and the position of authority the man held made the offence more serious.

Defence lawyer Peter Bevan said his client, who was no longer employed by the company, had become friendly with the two teens and they all had regularly exchanged text messages.

"The message was a joke not intended to be passed on but it was," Mr Bevan said. "In hindsight (my client) understands the transmission of this message to a minor might be offensive."

## **Australian - Cyberbullying - Court Cases** (cont)

### **Example # 05.0** (cont)

Magistrate Peter Smid said the offending was probably not intentional and the defendant's judgment could have been clouded because he may have fancied the two girls.

"Anyone can understand banter between the opposite sexes ... you took it too far and probably didn't mean to be offensive but you were," Mr Smid said.

No conviction was recorded and the accused was put on a 12-month good behaviour bond.

## **Australian - Cyberbullying - Court Cases** (cont)

### **Example # 05.1**

#### **Man sent suggestive texts to two minors**

ROANNE JOHNSON | February 24th, 2011

Townsville Bulletin

[http://www.townsvillebulletin.com.au/article/2011/02/24/209981\\_news.html](http://www.townsvillebulletin.com.au/article/2011/02/24/209981_news.html)

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Magistrate Peter Smid said the offending was probably not intentional and the defendant's judgment could have been clouded because he may have fancied the two girls.

"Anyone can understand banter between the opposite sexes ... you took it too far and probably didn't mean to be offensive but you were," Mr Smid said.

**No conviction was recorded and the accused was put on a 12-month good behaviour bond.**

## **Australian - Cyberbullying - Court Cases** (cont)

### **Example # 06.0**

#### **'I'm gonna set the house on fire'**

**Amelia Bentley**

*February 21, 2011*

<http://www.brisbanetimes.com.au/queensland/im-gonna-set-the-house-on-fire-20110221-1b238.html>

A man accused of torching a Caxton Street home yesterday had been stalking one of the occupants, police allege.

**Peter James Hopwood, 23, appeared in Brisbane Magistrates Court this morning charged with arson, unlawful stalking and using a carriage service to menace, harass or cause offence.**

Police prosecutor Sergeant Peter Treloar said Mr Hopwood had been threatening his ex-partner, one of the home's occupants, for some time.

He said Mr Hopwood would not accept the woman's wish to end their relationship and sent her messages telling her, "I hate you. I'm going to kill you."

Before the fire Mr Hopwood allegedly left a voice message saying, "I'm gonna set the house on fire, I hope you're in it, you're gone".

After lighting a fire at the house, which is next to Mirasoul Bar Dining Lounge in Paddington, he made no effort to raise the alarm, Sgt Treloar told the court.

**Mr Hopwood was denied bail to reappear in court on March 14.**

## **Australian - Cyberbullying - Court Cases** (cont)

### **Example # 07.0**

#### **'Despicable' stalker avoids jail**

**Amelia Bentley**

*January 10, 2011*

[HTTP://WWW.BRISBANETIMES.COM.AU/QUEENSLAND/DESPICABLE-STALKER-AVOIDS-JAIL-20110110-19KWJ.HTML](http://www.brisbanetimes.com.au/queensland/despicable-stalker-avoids-jail-20110110-19kwj.html)

**A Brisbane man has avoided jail for harassing women with sexually explicit emails, obscene phone calls and offensive text messages after he was unable to deal with their rejection of him.**

Convicted stalker Jason Ronald Vaughan, 35, sobbed in Brisbane District Court today as he begged Judge Anthony Rafter not to send him to prison.

Vaughan, who holds a science degree and works in pathology, was released on a two-year good behaviour bond after the court heard he had bombarded three love interests with unwanted correspondence between March 2005 and May 2008 after each of them discontinued relationships with him.

One former girlfriend reported he would leaving messages threatening: "I'm going to get you" and "I have ways of getting back at you" and calling her a "fat bitch" and "slut".

He also emailed her, saying: "what the f\*\*\* was I ever doing with a walrus like you?" and "I still have plans for you unless you repent and confess your sins to me".

Another woman, who met Vaughan at a club on Caxton Street in mid 2007, told police he had sent her 15 texts in three hours.

The messages were sexually explicit and included insults and threats such as: "those kids of yours look demented" and "you vile piece of filth. You will pay for what you have done".

A third woman, who met Vaughan on a bus in February 2007 and went on several dates with him, said he spent the next 14 months leaving sexually explicit messages or making breathing and sobbing noises on her answering machine.

In other messages, he called the woman names and screamed obscenities and at one point told her she should "just f\*\*\*ing die".

**Vaughan, who was convicted of stalking a Brisbane artist last year, pleaded guilty to four counts of using a carriage service to menace, harass or cause offence.**

Prosecutor Stuart Shearer said Vaughan could not handle being rejected.

"It appears to be the case he has an inability to deal with rejection by women," he said.

## **Australian - Cyberbullying - Court Cases** (cont)

### **Example # 07.0** (cont)

"It's a course of conduct that is almost routine to him."

Defence barrister Aaron Simpson said his client had post traumatic stress disorder following a home invasion at his home in 2007.

Vaughan also suffered from depression and anxiety but he was getting help, Mr Simpson said.

"He has refrained from getting into a relationship," he said.

Judge Rafter said Vaughan was "a despicable individual" who had caused great distress to his victims.

He sentenced him to 12 months jail but released him on a good behaviour bond.

Convictions were recorded.

## Australian - Cyberbullying - Court Cases (cont)

### Example # 08.0

#### Envoy's ex-lover facing charges

Natalie O'Brien

January 2, 2011

<http://www.smh.com.au/national/exlover-menaced-diplomat-20110101-19cin.html#ixzz1KyuRkheg>



Happier times ... Macedonian ambassador Pero Stojanovski with former girlfriend Lidija Dumbaloska

**THE former girlfriend of the Macedonian ambassador to Australia, Pero Stojanovski, has been arrested and was last night expected to be charged with allegedly menacing him, breaking into his home and attempting to blackmail him.**

Lidija Dumbaloska appeared yesterday in the Parramatta Local Court where details were aired of how her more than year-long relationship with the ambassador had soured so badly that it ended in allegations of blackmail, burglary and an affair.

Ms Dumbaloska was arrested on New Year's Eve after Australian Federal Police searched her Bankstown home and seized items including a laptop.

## **Australian - Cyberbullying - Court Cases** (cont)

### **Example # 08.0** (cont)

**Federal police told the court that Ms Dumbaloska was expected to be charged with serious offences including blackmail, burglary and using a "carriage service" to menace or harass the ambassador.**

But her lawyer, Kylie Anderson, told the court that the matter had nothing to do with the ambassador's official position. "It was a domestic relationship that has gone sour and has escalated," she said.

The court was told that trouble for the couple started on Christmas Eve when their relationship broke down.

Police have alleged that 37-year-old Ms Dumbaloska, an electrical engineer, broke into the Canberra home of the ambassador last Monday and took items including a laptop, a briefcase and hotel receipts. Ms Anderson said Ms Dumbaloska took the items because she believed Mr Stojanovski had been having an affair.

Police said they would also allege that Ms Dumbaloska had made threats to the ambassador "seeking his resignation".

**Ms Dumbaloska was remanded to appear in court in Canberra tomorrow.**

Read more: <http://www.theage.com.au/national/envoys-exlover-facing-charges-20110101-19clu.html#ixzz1Kx7oAd2b>

## **Australian - Cyberbullying - Court Cases** (cont)

### **Example # 09.0**

#### **Bond for abusive texts to friend**

11th December 2010  
Queensland Times

<http://www.qt.com.au/story/2010/12/11/bond-for-abusive-texts-to-friend-danziel-mcnamara/>

**A WOMAN sent abusive text messages to her best friend because she thought the woman had an affair with her husband, a court heard.**

Ipswich Magistrates Court heard Danziel Marcia McNamara, 47, sent 15 text messages between October 9 and 22 with various derogatory comments, including calling her friend a “fat loser”.

The woman eventually went to the Springfield police station to complain about the messages, saying she found them “offensive and hurtful”.

Prosecutor Constable Tazania Lynch said McNamara, a cleaner, told police she sent the messages because “she believed the complainant was having an affair with her husband”.

**McNamara pleaded guilty to using a carriage service to menace, harass or cause offence.**

She was given a \$500 good behaviour bond for 12 months, with no conviction recorded.

Defence lawyer Allyson Gagliardi said her client's marriage of 20 years had broken down and she had started seeing a doctor for stress around the time she sent the messages.

Ms Gagliardi said McNamara, who had no prior history, became aware of an affair prior to the separation and was experiencing intense feelings of betrayal and hurt.

“She has now accepted that she had no lawful excuse to send these text messages,” Ms Gagliardi said.

“She understands that what she did was really quite bad and she expresses significant remorse.”

Magistrate Matthew McLaughlin told McNamara her behaviour was illegal and “nasty stuff” but was not terribly serious compared to others charged under the offence

## **Australian - Cyberbullying - Court Cases** (cont)

### **Example # 10.0**

#### **Fined for 'harassment'**

03/Nov/2010

By Vanessa Schmitt, Mandurah Coastal Times

<http://forums.whyweprotest.net/threads/a-man-accused-of-calling-the-church-of-scientology-thousands-of-times.61786/page-2>



*John Allen with a restraining order summons from the Church of Scientology. Picture: Jon Hewson [www.communitypix.com.au](http://www.communitypix.com.au) [Buy this photo](#)*

A MANDURAH man was fined heavily for persistently calling the Church of Scientology and Peel police district office when he appeared in Mandurah Magistrates Court last month.

**John Desmond Allen (31) was found guilty of two counts of using a carriage service to menace, harass and cause offence after two trials on October 18 and 25.**

The October 18 trial related to 79 phone calls from Allen to the Peel police district office from June 29 to August 9. He was fined \$1500 and police awarded a misconduct restraining order against Allen.

At the October 25 trial, witnesses from the Church of Scientology described how Allen made about 500 calls over a two-week period.

A church human resources volunteer said Allen told him he did not agree with the church and wanted to take it down. He said Allen called at least 70 times in one day and was verbally abusive.

The church volunteer said he would hang up on the calls because Allen was creating a nuisance.

“He would block our lines up so people could not call,” he said.

“His intentions were to harm the church.

## **Australian - Cyberbullying - Court Cases** (cont)

### **Example # 10.0** (cont)

“Originally it did not worry me, but I started to feel physically ill with the harassment.”

The volunteer said Allen had free calls from his landline through his server.

Magistrate Terence McIntyre said Allen conceded he made the calls, but had limited recollection of some of the calls.

The court was told Allen made all the calls because he wanted someone to talk to him.

Allen was fined \$750 with \$327 costs. Mr McIntyre warned Allen not to call the Church of Scientology again, but Allen said he would appeal.

## **Australian - Cyberbullying - Court Cases** (cont)

### **Example # 11.0**

#### **A WESTERN Sydney man has been charged with child grooming and harassment offences**

27.08.2010

<http://www.crimecasefiles.com/forum/australian-crime-news/20349-sex-sms-sent-to-girl-12-western-sydney.html>

A WESTERN Sydney man has been charged with child grooming and harassment offences after allegedly sending sexually explicit text messages to girls and a young man.

Police allege the man sent several explicit text and multimedia messages by mobile phone to a 12-year-old girl, a 13-year-old girl, an 18-year-old woman and a 20-year-old man.

Officers investigating the incidents posed as a 13-year-old girl and communicated with the man by mobile phone and internet.

Police arrested a 25-year-old man at Londonderry just after 1pm (AEST) yesterday.

**He has been charged with using a carriage service to transmit indecent communication to persons under 16 years of age, using a carriage service to menace, harass or cause offence, and failing to comply with reporting obligations of the Child Protection Register.**

The man has been refused bail to appear at Penrith Local Court today.

## **Australian - Cyberbullying - Court Cases** (cont)

### **Example # 12.0**

#### **Girl grooming accused already on bail**

By Edith Bevan

From: *The Daily Telegraph*

August 13, 2010 1:51PM

<http://www.dailytelegraph.com.au/news/sydney-nsw/girl-grooming-accused-already-on-bail/story-e6freuzi-1225904924732>

#### **A MAN arrested for allegedly grooming little girls online for sex was already on bail for the sexual assault of a six-year-old.**

Dale McAlpine, 30, of Lethbridge Park, was on his way to meet up with who he thought was a 13-year-old girl in Parramatta Park when he was arrested.

The "13-year-old" was actually a police officer from the Sex Crimes Squad.

Officers, pretending to be an underaged girl, had begun an online friendship with the man after the parents of an 11-year-old girl contacted police about allegedly explicit and menacing emails the man was sending her.

McAlpine faced Parramatta Local Court this morning charged with using a carriage service (internet/mobile phone) to procure a person under 16.

**He was also charged with using a carriage service to menace/harass or cause offence.**

McAlpine plead not guilty to both charges.

The court heard McAlpine, who has a three-year-old son, was on bail over an aggravated sexual assault of a six-year-old when he allegedly groomed the girls.

McAlpine's application for bail was rejected on the grounds because of his ongoing threat to the safety of the community.

He was remanded in custody to appear again next Thursday.

## Australian - Cyberbullying - Court Cases (cont)

### Example # 13.0

#### Textual offender lands probation

Jeremy Sollars | 13th August 2010

<http://www.warwickdailynews.com.au/story/2010/08/13/textual-offender-lands-probation-court-criminal/>

**THE Abuse via text message landed one Warwick man in the Magistrates Court this week next time you're tempted to send a nasty message to someone via a mobile phone text instead of fronting them face-to-face, you'd be well advised to think again.**

One young Warwick texter is wishing he had done just that after copping six months probation and a criminal record for sending abusive texts messages to his ex-girlfriend and her new lover.

Many people may not realise it, but harassing someone via text can land you up to three years jail under Commonwealth law.

**It's a law that 20-year-old Brodie Owen Koina received a crash course in when he fronted the Warwick Magistrates Court and pleaded guilty to using a carriage service – namely a mobile phone – to “menace, harass or cause offence”.**

The court heard Koina last month vented his anger over splitting up with his live-in girlfriend – who left him with a swag of unpaid rent – by sending a series of expletive-laden text messages aimed at her and her new beau.

The newly-single and embittered Koina sent more than a dozen messages to his former partner over several weeks until she became so fed up she went to the police.

After lodging a formal complaint against Koina he was interviewed by police who charged him under federal telecommunications law.

The court was told Koina had made repeated threats to “f--- up” his ex-lover's life and that of her new partner and sent the spiteful messages at all hours of the day and night.

One of his texting tirades related to rent she owed on their former residence after she moved out, with Koina blaming her for “getting blacklisted” and demanding she pay the rental arrears.

Koina claimed some of the messages were sent by a “friend called Nick” he met “at the pub one night” and who was drunk at the time.

But during the police interview Koina was unable to provide further details of the identity of “Nick” and how he knew the name of Koina's ex-partner's new boyfriend.

## **Australian - Cyberbullying - Court Cases** (cont)

### **Example # 13.0** (cont)

The court heard other hate-filled exchanges took place on the social networking website Facebook.

Barrister Phil Crook, for Koina, told the court his client had lost his job since his relationship break-up and was angry over the rent money.

“As far as the references to the new boyfriend are concerned, it was a lot of huffing and puffing between two guys,” Mr Crook said.

“At least there was no actual violence involved.”

Magistrate Anne Thacker told Koina – who stood grinning during his court appearance with his arms folded – his behaviour was more to be expected of a 16 year old.

“I am forced to ask why you haven’t grown up like everybody else,” Her Honour said.

“I suggest you need some relationship counselling.”

Koina stated that he had already undergone such sessions “when I was with her (the ex-girlfriend)”.

Ms Thacker placed Koina on six months probation with a special condition relating to the counselling.

### **The law...**

Telecommunications and Other Offences Act was passed in 2004

Offences relating to mobile phones, include making hoax threats and hoax triple zero calls, making threats of violence and sending offensive images

Maximum penalty is three years in prison, automatic criminal record

## **Australian - Cyberbullying - Court Cases** (cont)

### **Example # 14.0**

#### **Man charged for alleged child grooming offence on Bondi Junction bus**

26 Aug 10 @ 01:36pm

<http://wentworth-courier.wherelive.com.au/news/story/man-charged-for-alleged-child-grooming-offence-on-bondi-junction-bus/>

#### **Detectives from the Sex Crimes Squad have charged a man following alleged child grooming offences that began on a bus in Bondi Junction.**

Officers allege the 33-year-old man boarded a bus at Bondi Junction on August 11 and sat beside a 14-year-old boy. It is alleged he engaged in conversation with the boy and touched him on the leg before obtaining the boy's mobile phone number.

Police launched an investigation into the incident, posing as a 14-year-old boy and communicated with the man via mobile phone.

About 12.30pm on Wednesday, August 25, police arrested the man at a home on Fairmount Street, Lakemba, and he was taken to Campsie Police Station.

A search warrant was also executed by police at the home in Lakemba, where a number of items were located and seized including mobile phones and clothing.

**He was charged with using a carriage service to procure person under 16years of age, using a carriage service to transmit indecent communication to person under 16 years, and using a carriage service to menace, harass or cause offence.**

He was refused bail and was to appear at Burwood Local Court today, Thursday August 26.

Strike Force CEIU, which arrested the man, involves detectives from the State Crime Command's Child Exploitation Internet Unit and was established to investigate the alleged online sexual exploitation of children.

## Australian - Cyberbullying - Court Cases (cont)

### Example # 15.0

#### Race-hate words found not illegal

Leah Fineran | August 10th, 2010

[http://www.goldcoast.com.au/article/2010/08/10/246085\\_crime-and-court-news.html](http://www.goldcoast.com.au/article/2010/08/10/246085_crime-and-court-news.html)



*Denis Mulheron cleared of sending a racist fax*

A SOUTHPORT magistrate has found the terms 'sandnigger' and 'nigger' are not offensive to a reasonable person.

Magistrate Michael O'Driscoll made the ruling yesterday when he dismissed a case against a Gold Coast retiree charged with sending an offensive facsimile to a local politician.

A staff member working for Broadwater MP Peta-Kaye Croft complained to police after receiving the document from 62-year-old Denis Mulheron of Labrador on June 30 last year.

Christie Turner, 28, told Southport Magistrates Court she was deeply offended when she read the one-page fax which called on the Labor Party to tighten immigration laws against 'niggers' and 'sandnigger terrorists' and Muslim women with circumcised genitals.

The fax also made reference to indigenous Australians as 'Abos'.

Mr Mulheron told the court he believed he was using 'everyday English' in the fax.

He said he had grown up with the slang terms for Arabs and black Africans and did not believe they were offensive.

"I'm not a member of the cafe, chardonnay and socialist set ... to me that is everyday language," he said.

He argued in court the slang terms were no different to calling a New Zealander a 'Kiwi' or an American a 'Yank'.

Barrister Chris Rosser said his client had been raised in a different time when the words were not as frowned upon.

## **Australian - Cyberbullying - Court Cases** (cont)

### **Example # 15.0** (cont)

Ms Turner said to her, as a young woman, Mr Mulheron's words were both offensive and disturbing.

"There are appropriate ways to express opinions about immigration policies and this was not one of them," she said.

**Mr Mulheron was charged with using a carriage service, namely a fax machine, to menace, harass or offend -- a offence which carries a maximum penalty of three years jail.**

**After lengthy consideration, Mr O'Driscoll ruled that Mr Mulheron's words were not enough to invoke criminal sanctions.**

**"The words used were crude, unattractive and direct but were not offensive to a reasonable person," he said.**

But he made it clear the court in no way condoned Mr Mulheron's comments.

He invited Mr Mulheron to seek legal advice before using the terms in a public forum again. faxed remarks.

The court was told that over the years Mr Mulheron had sent repeated faxes to Ms Croft's office complaining about the Labor Party, immigration and land taxes.

He pleaded guilty in 2006 to sending a personally abusive fax to Ms Croft.

## **Australian - Cyberbullying - Court Cases** (cont)

### **Example # 16.0**

#### **Murray Colin Stubbs guilty only of using the internet offensively**

Grooming, internet offences, Murray Colin Stubbs  
By johnboy 5 August, 2010

[http://www.google.com.au/search?sourceid=navclient&aq=0h&oq=&hl=en-GB&ie=UTF-8&rlz=1T4GGIC\\_en-GBAU224AU225&q=adf+recruits+charged+use+a+carriage+service+to+menace+harass+offence#q=charged+use+a+carriage+service+to+menace+harass+offence&hl=en&rlz=1T4GGIC\\_en-GBAU224AU225&prmd=ivns&ei=i0G7TeXXDYHlvQOI5NC1BQ&start=10&sa=N&fp=472eb433bd616278](http://www.google.com.au/search?sourceid=navclient&aq=0h&oq=&hl=en-GB&ie=UTF-8&rlz=1T4GGIC_en-GBAU224AU225&q=adf+recruits+charged+use+a+carriage+service+to+menace+harass+offence#q=charged+use+a+carriage+service+to+menace+harass+offence&hl=en&rlz=1T4GGIC_en-GBAU224AU225&prmd=ivns&ei=i0G7TeXXDYHlvQOI5NC1BQ&start=10&sa=N&fp=472eb433bd616278)

The NZ Herald is taking an interest in the welfare of fake 14 year old Kiwi “Roxanne” and her smutty interlocutor Canberra’s Murray Colin Stubbs (45, former teacher).

**In the end the jury was unable to reach a verdict on the charge of using the internet to procure sex. But he has been found guilty of using the internet in an offensive way, one suspects he is not alone in this.**

Spare a thought for New Zealand’s police Detective Sergeant Steve Waugh who spent five months pretending to be a dirty talking 14 year old girl with a sad and lonely 45 year old man.

## Australian - Cyberbullying - Court Cases (cont)

### Example # 17.0

#### Suspended sentence for 'troll'

Lee Gailer | 3rd August 2010

<http://www.gympietimes.com.au/story/2010/08/03/jail-for-troll-facebook-justine-jones/>



FACEBOOK “Troll” Jessica Chantelle Cook left Gympie Magistrates Court yesterday with a suspended jail sentence, probation and a bond to be of good behaviour.

FACEBOOK “troll” Jessica Chantelle Cook has been given a suspended jail sentence for posting offensive material on a tribute page for murdered Sunshine Coast woman, Justine Jones.

Cook, 22, pleaded guilty in Gympie Magistrates Court for helping create a Justine Jones hate page and posting offensive remarks and photographs under the fake name of Wendy Woods.

The content of the fake page included images of pornography and human remains as well as comments from Cook boasting about her “achievement” at having the page mentioned in the media. Cook described herself as a “troll” - a person who defaces internet tribute sites to cause grief.

Magistrate Maxine Baldwin handed down a penalty to reflect the hurt Cook had caused to Ms Jones’ family and the anger and outrage felt by the community.

## **Australian - Cyberbullying - Court Cases** (cont)

### **Example # 17.0** (cont)

“No other sentence can reflect the severity of the crime... What you did was appalling, abhorrent, incomprehensible and sickening,” Mrs Baldwin said..

“I need to send a message to other trolls that if they come before the courts they will be dealt with (severely).”

Cook was sentenced to three months in jail suspended for three years and probation for two years.

She was also placed on a bond to be of good behaviour for three years with a recognizance of \$3000.

In Cook’s defence, lawyer Michael Connolly said his client had been the target of bullying from a young age and had started trolling six months ago because she was “depressed and lonely”.

He said Cook suffered from various behavioural conditions and “trolled” the internet to get back at the types of people who bullied and harassed her all her life.

“The internet was a place of solace for a troubled young woman... She created a loud and opinionated persona (and) used the internet to release her frustrations,” he said and told the court that Cook linked up with other trolls and felt socially accepted by these nameless, faceless people.

**Cook, who has no prior criminal convictions, was charged with using a carriage service to menace, harass or cause offence on Thursday, July 22, after police tracked her down with the help of a “cyber-sleuth”.**

Mrs Baldwin said she intended to ban Cook, of Aparima Court, Gympie, from having any sort of computer, but decided it would only isolate her further.

Cook was banned from accessing social networking sites and will only be allowed to use the internet for employment, financial affairs and study.

Mrs Baldwin also ordered all offensive material to be removed from Cook’s computer before it is returned to her.

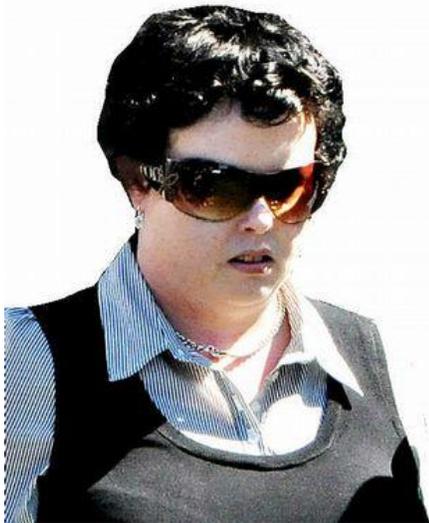
## Australian - Cyberbullying - Court Cases (cont)

### Example # 17.1

#### Facebook troll Jessica Cook pleads guilty to defacing a tribute page to Justine Jones

By Sophie Elsworth  
From: *The Courier-Mail*  
August 03, 2010 2:01AM

<http://www.news.com.au/technology/facebook-troll-jessica-cook-pleads-guilty-to-defacing-a-tribute-page-to-justine-jones/story-e6frfnr-1225900174784>



Facebook troll Jessica Cook leaves court. Picture: John Wilson *Source: The Courier-Mail*

**A MAGISTRATE has warned online trolls the "heavy hand of the law will come down on you" if disturbing material is posted on social networking sites.**

**Jessica Chantelle Cook, 22, pleaded guilty in the Gympie Magistrates Court yesterday to one count of using a carriage service to menace, harass or cause offence,**

The Gympie shop assistant was charged by police in July after she posted hateful comments and crude photographs on a Facebook tribute page set up in the memory of slain Sunshine Coast woman Justine Jones.

Ms Jones, 22, from Alexandra Headland, was murdered last month and her body was found dumped at the Nambour rubbish tip.

Magistrate Maxine Baldwin described Ms Cook's actions as "appalling, incomprehensible and absolutely sickening."

## **Australian - Cyberbullying - Court Cases** (cont)

### **Example # 17.1** (cont)

She posted offensive pictures including a headless corpse and a vagina on to Ms Jones's Facebook tribute page.

The court heard Ms Cook created a fake profile and disguised herself by going online under the name Wendy Woods.

Prosecutor Jason Todman told the court Ms Cook was one of the site's administrators and posted "disturbing material" on the memorial page.

He said Ms Cook boasted online that her actions had gained media attention.

Prosecutor Todman told the court Ms Cook wrote: "I got a story in the local paper today, all my hard work has paid off."

Ms Cook's lawyer, Michael Connolly from Connolly Dore Lawyers, said his client was picked on as a child and suffered mental health problems.

He said she used the internet "as a way of venting her frustrations."

Mr Connolly would not confirm whether his client knew Ms Jones.

Magistrate Baldwin told the court she could not "even begin to put myself in the shoes of those families" hurt by Ms Cook's actions.

She described it as a "sick sense of fun".

Ms Cook fought back tears as she was given a three-month suspended sentence.

If she reoffends she will have to forfeit \$3000.

She was released on a three-year good behaviour bond, two years probation and was banned from using social networking sites including Facebook, MySpace and Twitter.

Richard Peter Coburn, 26, from Sippy Downs has been charged with the murder of Ms Jones and remains in custody.

## **Australian - Cyberbullying - Court Cases** (cont)

### **Example # 18.0**

#### **Woman fined \$650 for abusive texts**

Nathan Paull Court | 15th January 2010

<http://www.gladstoneobserver.com.au/story/2010/01/15/angry-text-leads-to-fine/>

**LAYING blame for the death of her ex-partner in custody resulted in a court appearance for a Gladstone woman yesterday.**

**Lindsey Ann Mastroieni, 22, pleaded guilty to using a carriage service to menace, harass or cause offence after she sent six abusive text messages to the girlfriend of alleged murderer Ryan Dwyer.**

Jayde Biddulph was allegedly beaten to death by Dwyer at the Capricornia Correctional Centre last month. Biddulph was the father of Mastroieni's four-year-old-daughter.

The court heard Mastroieni sent the texts from two different phones within 24 hours of hearing news of Biddulph's death.

Police prosecutor acting Sergeant Sean Franklin said the contents of the messages included phrases such as "this is all your fault" and numerous profanities.

He said although the charge was quite serious, given Mastroieni was obviously distressed, under the circumstances a large fine would be appropriate.

Duty lawyer Paul Wonnocot said he was instructed Dwyer believed Biddulph had formed a relationship with his girlfriend while Dwyer was in jail and before Biddulph was imprisoned.

However, Mr Wonnocot said his clients sent the texts because she believed the complainant had introduced Biddulph to drugs, meaning he did not have contact with his daughter as often.

Magistrate Damian Carroll said the offence was committed under "very tragic circumstances".

However, he said the public needed to know the offence was serious.

He gave Mastroieni a \$650 fine and recorded a conviction.

Dwyer is due to reappear in Rockhampton Magistrates Court on March 23.

## **Australian - Cyberbullying - Court Cases** (cont)

### **Example # 19.0**

#### **Cop charged with stalking neighbour**

13:48 AEST Thu Apr 1 2010

<http://news.ninemsn.com.au/national/1034808/cop-charged-with-stalking-neighbour>

**A police officer has been charged with stalking and making physical threats towards his Sydney neighbour.**

The 43-year-old senior constable with the NSW force - who works for a specialist police command - was arrested about 6am (AEDT) on Wednesday in relation to an alleged neighbourhood dispute at Sutherland in Sydney's south.

**He has been charged with stalking or intimidation with intent to cause harm and using a carriage service to menace, harass or cause offence, police said on Thursday.**

The officer, who is believed to still be on operational duty, has been granted bail and will face Sutherland Local Court on April 7.

## **Australian - Cyberbullying - Court Cases** (cont)

### **Example # 20.0**

#### **Threatening email senders arrested**

*Feb 8, 2006 10:09 AM*

<http://www.itnews.com.au/News/35045,threatening-email-senders-arrested.aspx>

#### **NSW Police have charged two Sydney men following their alleged sending of threatening emails late last year.**

NSW Police have charged two Sydney men following their alleged sending of threatening emails late last year.

The arrests, made under the strike force Enoggera initiative, relate to the alleged sending of emails to a radio talkback host in the wake of the Cronulla riots and public disorder incidents in December.

**One of the men, a 29-year-old Warwick Farm man, was slated to appear at Liverpool Local Court yesterday charged with one count of use of carriage service to make threats and a second offence of use of carriage service to menace, harass and offend.**

**The other, a 21-year-old man, was arrested at his home in Callala Bay, near Nowra and charged with one offence of use of carriage service to threaten serious harm and a second offence of use of carriage service to menace, harass and offend. He was granted conditional bail to appear at Nowra Local Court on 13 March 2006.**

Both men had their personal computers seized by Police for forensic examination.

Strike Force Enoggera is a Police initiative specifically set up to investigate the Cronulla race-based riot

## **Australian - Cyberbullying - Court Cases** (cont)

### **Example # 21.0**

#### **Police track text message senders**

By Kelly Burke and Ben Cubby December 23, 2005 SMH.com.au

<http://www.smh.com.au/news/national/police-track-text-message-senders/2005/12/22/1135032135717.html>

POLICE are unraveling the trail of text messages that fuelled racial riots on Sydney beaches, making their first arrest on Wednesday night and saying more will follow.

**A Matraville man, 33, was arrested and charged after police traced his mobile phone records. They allege he repeatedly sent out two messages telling people to gather at Cronulla last Sunday, a week after the initial riot.**

**The man was charged with using a carriage service to menace, harass or cause offence and of printing and publishing to incite or urge the commission of a crime. He is to appear in Waverley Local Court in February.**

A teenager was also arrested yesterday morning for taking part in violence on a train at Cronulla Station on December 11. The 17-year-old Cronulla resident was questioned at Miranda police station then charged with one count each of riot and affray.

More arrests would follow, Detective Superintendent Dennis Bray indicated.

A police spokeswoman, Wendy Valois, said: "If you receive these text messages you need to contact the police. Passing them on can be an offence. People need to be aware that it exposes them to a possible criminal record. People need to be aware of how they use all this technology."

**Under federal law, using a carriage service to menace, harass or cause offence carries a sentence of up to three years' jail.**

Under the NSW Crime Prevention Act it is an offence to incite, urge, aid or encourage the commitment of a crime. Given the act was written in 1916, there is no provision for the use of telecommunications equipment in aiding or abetting a criminal act.

However, an amendment to law enforcement legislation rushed through State Parliament last week grants special powers to police to prevent or control public disorder, including the setting up of roadblocks, searching of vehicles and seizure of mobile phones.

## **Australian - Cyberbullying - Court Cases** (cont)

### **Example # 21.0** (cont)

The president of the Australian Council for Civil Liberties, Terry O'Gorman, has described the new law as an invasion of privacy. "It is utterly unacceptable that private text messages - which are today's equivalent of yesterday's mail or telegrams - should be able to be read by the police at whim," he said.

A spokesman for the Australian Mobile Telecommunications Association, Randal Markey, said that most carriers stored messages no longer than about 24 hours, one of the reasons being privacy.

## Australian - Cyberbullying - Court Cases (cont)

### Example # 22.0

Case study:

*A 19 year old male in Canberra used Facebook to threaten another man, that man's brother and the brother's girlfriend for more than two weeks.*

*He posted comments on the man's Wall, like*

*"You're a dead dog...don't forget I know where you live", and also made threats using Facebook Chat.*

**The man was charged with using a carriage service to menace, harass or cause offence (section 474.17 of the Commonwealth Criminal Code 1995) and sentenced to six months imprisonment**

## Australian - Cyberbullying - Court Cases (cont)

### Example 23.0

Bullies could face 10 years in jail

By Jean Edwards

Updated Tue Apr 5, 2011 1:12pm AEST



Brodie Panlock committed suicide after being bullied by co-workers at a Hawthorn cafe. ([www.facebook.com](http://www.facebook.com))

The changes were prompted by the 2006 suicide of Melbourne woman Brodie Panlock, who was bullied at work.

Four men were convicted and fined by WorkSafe for relentlessly bullying the cafe worker.

Attorney-General Robert Clark says serious bullying will be treated as stalking if it could cause someone physical or mental harm.

**"The amendments that we will introduce to Parliament this week will include into the offence of stalking, actions by offenders such as abusive words or threats or any other conduct calculated to cause harm to victims," he said.**

"This will put beyond doubt that serious bullying is a serious crime and will carry a serious jail term."

Ms Panlock, 19, worked at Cafe Vamp on Glenferrie Road in Hawthorn from 2005 until her death the following year, when she jumped off the roof of an apartment building.

In February last year, her former co-workers Nicholas Smallwood, 26, now of Queensland, Rhys MacAlpine, 28, of Kooyong, and Gabriel Toomey, 23, of Abbotsford, all pleaded guilty to failing to look after other people in their workplace.

They were fined between \$10,000 and \$45,000 each.

The court heard Smallwood and MacAlpine mentally and physically bullied Ms Panlock during work hours and even taunted her about a previous suicide attempt.

## **Australian - Cyberbullying - Court Cases** (cont)

### **Example 23.0** (cont)

The cafe's owner, Marc Da Cruz, also pleaded guilty to failing to provide and maintain a safe workplace and was fined \$220,000.

Ms Panlock's mother, Rae Panlock, hopes the new laws will help prevent workplace bullying.

"I think it's a long time coming and I'm really pleased that it's now going to go through," she said.

"I think it's going to make a big difference to how people react at work. [It was] never there for Brodie but it is there now."

People seeking support and information about suicide prevention can contact Lifeline on 13 11 14 or SANE Helpline on 1800 18 SANE (7263).

Tags: bullying, state-parliament, states-and-territories, internet, vic, melbourne-3000

First posted Tue Apr 5, 2011 8:11am AEST

MORE stories from Victoria

## **Australian - Cyberbullying - Court Cases** (cont)

### **Example 23.1**

#### **Brodie's death a warning to small business**

Jen Vuk

December 24, 2009

#### **BULLYING IN THE WORKPLACE**

[ohshandbook.net.au](http://ohshandbook.net.au)

#### **How to avoid hefty fines for your employees' bullying actions**

SADLY, it was an irony lost on the young woman working behind the counter of the busy cafe on Hawthorn's cosmopolitan Glenferrie Road. Cafe Vamp was its name, but Brodie Rae Constance Panlock was no femme fatale. Described by her family as a determined young woman "who set goals to achieve", which included earning enough money in order to travel, the 19-year-old was also searching for "approval and acceptance".

Sad, too, was that few, if any, of the cafe's steady stream of customers noticed a static in the air - the kind left behind in the wake of a hurtful comment - whenever Brodie shared a shift with Rhys MacAlpine, and manager and erstwhile lover Nicholas Smallwood, or her brittle emotional state after an "almost daily routine of inappropriate pressure at work".

But saddest of all was that no one was there on the night in September 2006 when a distraught Brodie took herself to the top of a nearby multi-storey car park and jumped off. Three days later, "the little ray of sunshine", as Brodie was described by co-worker Meghan Chester, was dead.

During the inquest into the Brodie's death held earlier this month, *The Age's* Helen Westerman wrote that workplace bullying was "a small-business problem". Westerman briefly singled out an industry where "intolerable behaviour is (often) glossed over, or even celebrated" a la a well-known, if tarnished, UK celebrity chef.

The one and the same industry that, in Australia, employs the largest number of young and inexperienced workers. And with the numbers of school leavers and students on summer break currently knocking on the doors of restaurants, cafes and bars across the nation, there's one less excuse for complacency with our cafe lattes.

Here's another. A WorkSafe survey undertaken in May found nearly one in five workers reported being bullied, with the incidence of reported bullying rising to 19 per cent from 12 per cent in 2007. And yet a workplace summary, released in 2006, found hospitality employees were less likely than others to know if their organisation had a bullying policy or to have been informed of one. Few knew about reporting procedures for bullying, or sought help from internal or external sources.

## **Australian - Cyberbullying - Court Cases** (cont)

### **Example 23.1** (cont)

This was supported by a following survey of 1600 young workers, which found that they were "less likely to be consulted on safety in the workplace, don't have the confidence to raise issues, may not understand or know their rights and alarmingly don't consider workplace safety as important as road or public safety".

Alarming is right. The hospitality industry remains frighteningly accident prone, especially for the young. In Victoria alone, those aged 15 to 24 experience the highest proportion of work-related injury, occurring mainly in food retail, such as fish shops and takeaway-food shops, cafes and restaurants.

While many hospitality employers have good, sound systems in place to ensure their young charges' first experience in the workforce is a positive one, many more don't. Of all industries, the hospitality sector consistently generates the most complaints, including underpayment of minimum hourly rates, penalty rates, weekend and public holiday loadings and failure to expediently issue play slips, as Craig Bildstien, a spokesman for the Fair Work Ombudsman, tells me.

Attempting to address this disparity, in February this year WorkSafe launched a national education campaign aimed at young hospitality workers and their employers. Fair Work, too, regularly runs campaigns in schools and universities, as well as dropping leaflets at popular venues.

The message, says Bildstien, is that "the best defence for a young worker against being taken advantage of is to know their workplace rights". That's certainly true enough, but is it good enough?

In May last year, coroner Peter White found that Panlock's "low self-esteem, age and inexperience" rendered her "emotionally vulnerable". With such a trifecta acting against her, being aware of her rights would have been little ammunition against the barrage of an "unbearable level of humiliation".

The fallout from this case will be felt not only by a family but by all involved, with the lawyer of Cafe Vamp's owner, Marc Luis da Cruz (who admitted he felt terrible about what happened) indicating his client would leave the hospitality industry after 20 years.

And yet much of what happened to Brodie over the course of her employment at Cafe Vamp from early 2005 to late 2006 must have occurred within earshot of others, too, if not within sight.

We come across it often enough. The ribbing, jibes and mucking around that sometimes masquerade as camaraderie. There can be a very fine line between having a joke and being the butt of one.

## **Australian - Cyberbullying - Court Cases** (cont)

### **Example 23.1** (cont)

Brodie Panlock may have been easy prey, but this young, insecure woman's experience has exposed the erroneous idea embodied in hospitality's unspoken rule that what happens inside the kitchen or behind the counter can stay there. The tragedy is that she never lived to see what she had achieved.

*Jen Vuk will write a weekly column over the holiday period.*

*For help or information visit [beyondblue.org.au](http://beyondblue.org.au), call Suicide Helpline Victoria on 1300 651 251      1300 651 251      or Lifeline on 131 11*

[http://www.google.com.au/search?sourceid=navclient&aq=0&oq=Brodie+Panlock+&hl=en-GB&ie=UTF-8&rlz=1T4GGIC\\_en-GBAU224AU225&q=brodie+panlock+bullying#q=brodie+panlock+bullying&hl=en&rlz=1T4GGIC\\_en-GBAU224AU225&prmd=ivns&ei=ZifGTayvFoSKvQQ2wPinAQ&start=20&sa=N&fp=c17d299499a2e904](http://www.google.com.au/search?sourceid=navclient&aq=0&oq=Brodie+Panlock+&hl=en-GB&ie=UTF-8&rlz=1T4GGIC_en-GBAU224AU225&q=brodie+panlock+bullying#q=brodie+panlock+bullying&hl=en&rlz=1T4GGIC_en-GBAU224AU225&prmd=ivns&ei=ZifGTayvFoSKvQQ2wPinAQ&start=20&sa=N&fp=c17d299499a2e904)

**Australian - Cyberbullying - Court Cases** (cont)

**Example 23.2** (cont)

**The Faces of Bullying**

© AAP- IMAGES – “Cafe Vamp” – Owner & Workers



Brodie Rae Constance Panlock (19) – Café Vamp - Worker



Damien & Rae Panlock (Parents)

**Australian - Cyberbullying - Court Cases** (cont)

**Example 23.2** (cont)

**The Faces of Bullying**

© AAP- IMAGES – “Vamp Café – Owner & Workers”



Mark DeCruz  
(26) – Owner



Rhys MacAlpine  
(26) - Worker



Nicholas Smallwood  
(26) - Worker



Gabriel Toomey  
(26) - Worker

## **Australian - Cyberbullying - Court Cases** (cont)

### **Example 24.0** (cont)

#### **Ghoulish Facebook vandals mock Australian laws**

ASHER MOSES  
09 Nov, 2010 02:08 PM  
The Border Mail

<http://www.bordermail.com.au/news/national/national/general/ghoulish-facebook-vandals-mock-australian-laws/1992301.aspx?storypage=0>

**The Facebook tribute pages of the Melbourne teenager who died yesterday after being punched in the head and the family who were killed in South Australia have been defaced with vulgar messages and sickening photographs.**

It's the latest in a series of incidents of vandalism of tribute pages of people who have died around the world. An organised online group appears to be co-ordinating attacks on tribute pages, with police and other authorities doing little to stop it.

Facebook, which has been consistently criticised for failing to stamp out the practice and act quickly enough to remove the offensive messages, did not respond to a request for comment.

Calls have been placed with the local PR firm and Facebook's spokesmen in the US.

**Cameron Lowe, 17**, wrote a series of haunting messages on the social networking site following a confrontation with a group of youths who punched him in the head. He died in The Alfred hospital yesterday after he was found in his bed not breathing.

A "R.I.P Cameron Lowe" Facebook tribute page set up for his family and friends to offer condolences has been defaced with gruesome and pornographic photos.

Some of the images were posted by a group of internet "trolls" who also wrote highly offensive and inappropriate messages on the tribute page wall.

The group, whom we have chosen not to name to defeat their quest for notoriety, seeks to harass grieving families by defacing tribute pages.

They gather on an online forum, seen by this website, where they discuss targets and laugh about their work.

The group have posted a video on YouTube that glorifies their vandalism and shows how they deface the pages.

## **Australian - Cyberbullying - Court Cases** (cont)

### **Example 24.0** (cont)

Also defaced was a tribute page to **Chantelle Rowe, 16**, who was found dead with her parents in their Adelaide home yesterday.

Inappropriate messages and doctored photographs were posted to several tribute pages for Chantelle and her family, who police believe were killed in a triple murder.

A cousin, Steven Rowe, wrote about the material on Facebook: "He even sent this shit to my inbox ... thats my cousin and i honestly hope some [sic] kicks your head in!"

**But the user responsible for the messages replied: "I won't go to jail ... i'm not in Australia, therefore I cannot break the Australian law".**

Victoria Police and South Australia Police both refused to comment, arguing no offence had been committed.

**However, Jesssica Chantelle Cook, 22, from Queensland, received a three-month suspended jail sentence in August for posting offensive material on a Facebook tribute page for murdered Sunshine Coast woman Justine Jones.**

**Cook had pleaded guilty in the Gympie Magistrates Court to one count of using a carriage service to menace, harass or cause offence.**

**Earlier this year, former prime minister Kevin Rudd said he was considering appointing an online ombudsman to deal with social networking issues after Facebook tribute pages for several slain Australian children were vandalised.**

Queensland Premier Anna Bligh wrote to Facebook demanding to know what action it intended to take to prevent a recurrence of these "sickening incidents".

**In response to the outcry, Facebook sent out an alert to all Australian members informing them how they could lock down Facebook pages and prevent vandalism. However, this evidently had little impact.**

**Victims of CyberbBullying**

**in**

**Australia**

## Victims of Cyberbullying – Australia (cont)

### Example 25.0

*Extract from Mental Health Council of Australia*

*Submission 52 – JSC – Inquiry into Cybersafety*

#### **Alex Wildman - (14 Years Old)**

**Alex Wildman** took his own life. According to the investigating coroner, bullying played a significant role in this 14 year old boy's decision to suicide. An inquest into his death heard that bullying at school and on the Internet played a significant role in this young person's death. The bullying included several physical assaults, as well as taunts and threats posted by students on a social networking site. (Sydney Morning Herald, 17 June 2010).

#### **Chanelle Rae - (14 Years Old)**

**Chanelle Rae** took her own life. Her mother has no doubt that cyber bullying was responsible for the death of her 14 year old daughter. "Friday night she was on the Internet and told me about some message that had come through, and she wanted to die because of the message. If she didn't go on the Internet Friday night, she'd be alive today" (Karen Rae, Chanelle Rae's mother, ABC News, 23 July 2009).

#### **Allem Halkic - (17 Years Old)**

**Allem Halkic** took his own life. The 17 year old's suicide followed death threats received online from his former friend. His former friend was charged and sentenced with sending threatening messages to Allem with the Police prosecutor stating that cyber-bullying "has become almost a plague in our community". Outreach worker Les Twentyman said in the past eight months he knew of 10 teenagers who had killed themselves after being bullied by people online, mainly at social networking sites like MySpace and Facebook (The Australian, 9 April 2010).

## Victims of Cyberbullying – Australia (cont)

### Example # 26.0

#### Geelong Teens Suicide Deaths

1. Chanelle Rae - died in July 2009, she was 14.
2. Natalie Rowe - died in February. She was 14.
3. Zac Harvey - died in March. He was 15 and his girlfriend
4. Taylor Jennsen - died by committing suicide three weeks later.

## Looking for a way to talk about suicide

Mary-Anne Toy

*July 25, 2009*

IT IS one of Australia's better good news stories, but you probably haven't heard about it: teenage suicide rates have fallen dramatically from 508 in 1997 to an average of 300 a year. But this welcome change is unlikely to be of any comfort to the four grieving families in Geelong (or others elsewhere) now mourning the loss of a child who has taken their own life.

The only time we seem to have the discussion about suicide is when a celebrity or the unusual is involved.

This week, a grieving mother on talkback radio blamed the internet for her teenage daughter's death and triggered a media avalanche. The media's inhibition about reporting individual suicides was abandoned because Chanelle Rae, 14, was the fourth student of Geelong's Western Heights College to die in five months.

The terrible reality of the individual tragedies was compounded because there was a cluster of deaths and a concomitant fear that copycat suicides (otherwise known as suicide contagion) were involved, along with suggestions of cyber-bullying.

Chanelle's mother, Karen, warned parents to keep their children off the "rotten internet", saying it was a threat made there that triggered her daughter's disastrous decision.

Chanelle's suicide followed that of three others from the school. It is unclear whether the first, that of Natalie Rowe, 14, a former student with bipolar disorder who died in February, was known to Chanelle. But the death in March of Zac Harvey, 15, and a few weeks later of his girlfriend, Taylor Jennsen, 16, would have been.

This newspaper did not cover the four teens' suicides because of concern about the risk of copycat deaths. Some, including our competitors, believe we were wrong. Such is the sensitivity surrounding this issue.

## Victims of Cyberbullying – Australia (cont)

### Example # 26.0 (cont)

#### Geelong Teens Suicide Deaths

Professor Diego De Leo, director of the Australian Institute for Suicide Research and Prevention at Queensland's Griffith University, says that while the community is entitled to know about the phenomenon of suicide clusters, the extent of the details to be made public is problematic.

"It is always a mistake to sensationalise or give it a romantic aura," he says. "We don't need such 'heroes' or pictures or details, or the methods or circumstances; these give the erroneous idea that there is one motive triggering the event, because it is never that."

De Leo says the need for restrained reporting is even more crucial when it comes to children. "Clearly one event influences the other and the end result is to normalise suicide in that particular group, and suicide should never be normalised at any level."

He believes Australia is fortunate in having some of the most comprehensive media guidelines on suicide, even if their implementation is still patchy.

Others such as Jo Robinson from Orygen youth mental health services say those "responsible" media guidelines may have inadvertently added to the problem.

"It's not that the guidelines themselves have gone too far; they're incredibly important because we do know that copycat suicides can be a significant problem," Robinson, research fellow at Orygen, says. "But maybe what's happened is we've become a bit afraid to talk about it. We need to find a way of having this discussion."

Toni van Hamond from headspace Barwon, part of the national youth mental health network, says the biggest myth about teen suicide is that talking to young people about it will only put bad ideas in their heads.

"We have to talk about it," van Hamond says. "We have to move beyond the current, absolute trauma. The big issue for parents at the moment is how do we know (if our children are having problems)?"

She says the older generation's "pull up your socks" mentality can be unhelpful and parents have to be empowered to ask their children outright if they're feeling sad or have thought about hurting themselves.

"We need to normalise the concept of mental health checks, because in a lot of communities, a lot of people still believe that mental health issues will not affect them. There's still this taboo," she says.

## **Victims of Cyberbullying – Australia (cont)**

### **Example # 26.0 (cont)**

#### **Geelong Teens Suicide Deaths**

Headspace Barwon has printed 40,000 stickers to be distributed to every student in the region as part of its "it's OK to say I'm not OK" campaign. The aim is to let children know they can and should go to someone they trust, such as a friend, their family, teacher, counsellor, or someone at a headspace drop-in centre, for a chat if they're feeling down.

The message she and other professionals want shouted across the community is that suicide is not an option. "They have choices. Life is tough; we have ups and downs but suicide is not an option and what they leave behind is traumatic and what we need young people to hear is that death is final," van Hamond says.

The Victorian Education Department, which has sent psychologists and other counsellors to the Geelong school this week, says the most important thing when talking to young people after a peer has committed suicide is to listen to them and correct any misunderstandings about what happened. But it is not always easy to establish the facts.

"At the outset you have to make sure when you're talking to children or young people you can correct any rumours or misinformation," says Vicki Trethowan, the department's chief psychologist.

For parents or other adults talking to young people about the issue it is important to be honest, and to emphasise that there are always people prepared to talk to them about the issue, rather than formalise it as "counselling". And, most importantly, parents can hug their children.

Adolescent child psychologist Michael Carr-Gregg says the tragedy in Geelong goes against the national trend of declining rates of youth suicide but underlines how important it is to persevere with all the reforms that have helped reduce the toll. He says resources for young people have never been better, citing the inclusion of emotional health in school curriculums, the establishment of helplines and national initiatives such as headspace and beyondblue, and the introduction of Medicare rebates for psychologists.

Carr-Gregg says the focus of the deaths in Geelong should not be on the deaths themselves but rather on the undiagnosed and untreated depression that underlies 90 per cent of suicides.

"The reality is that the delay in diagnosis and treatment can be anything from five to 15 years, according to beyondblue, and that's beyond tragic in a civilised country," he says.

And he says banning the internet, as some have suggested, would be counterproductive. "There's no point demonising the internet. The internet didn't kill this girl."

## **Victims of Cyberbullying – Australia (cont)**

### **Example # 26.0 (cont)**

#### **Geelong Teens Suicide Deaths**

Robinson says the internet presents unique challenges but also offers many benefits. The anonymity that fuels cyber-bullying may also encourage children too timid to ask for help to seek information on sites such as beyondblue, headspace, Reach Out and MoodGYM, which uses game-playing to teach good decision-making and other skills.

"As professionals we need to be a bit cleverer about how we use the internet as a tool rather than be frightened by it," she says. And it doesn't help if adults are too scared, for fear of doing harm, to discuss the issue. "I've done training with professionals who work with young people and some still find it difficult to say the word 'suicide' out loud.

"It is important for us to have a dialogue around youth suicide which can be a model for young people," she says. "Silence in the community gets perpetuated."

#### **DOs and DONTs**

##### **Media guidelines on suicide - SOURCE: WWW.MINDFRAME-MEDIA.INFO**

- Consider whether story needs to run at all.
- Use "suicide" sparingly and ensure language does not glamorise, sensationalise or present suicide as a solution to problems.
- Don't be explicit about method.
- Seek comment on the wastefulness of the act and provide helplines.

*Mary-Anne Toy is a senior writer.*

*For help or information visit [www.beyondblue.org.au](http://www.beyondblue.org.au), call Suicide Helpline Victoria on 1300 651 251, or Lifeline on 131 114. Teenagers experiencing personal problems can call Kids Help Line on 1800 55 1800. Victorian Suicide HelpLine on 1300 651 251; Lifeline on 13 11 14; SANE Helpline on 1800 187 263 or visit [www.kidshelpline.com.au](http://www.kidshelpline.com.au), [www.headspace.org.au](http://www.headspace.org.au), [www.suicideline.org.au](http://www.suicideline.org.au).*

Read more: <http://www.theage.com.au/national/looking-for-a-way-to-talk-about-suicide-20090724-dw8h.html#ixzz1LiLM0jsl>

## Victims of Cyberbullying – Australia

### Example # 26.1

Girl's death linked to cyber bullying  
13:00 AEST Tue Jul 21 2009



Chanelle Rae's death has been linked with cyber bullying.

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Cyber bullying may be behind the latest in a spate of suicides related to a Victorian school.

Chanelle Rae, from Geelong's Western Heights College, took her life on Friday in another heartbreaking loss for the 1400-pupil school.

**The 14-year-old is the fourth current or former student to take their life in the past six months, the Geelong Advertiser reports.**

Chanelle's mother, Karen, told 3AW radio this morning that her daughter had been bullied online before her death.

"Friday night she was on the internet," she said.

"She came in and told me some message had come through and she wanted to die because of the message.

"I lay in bed with her and we just discussed it for about an hour. She left ... just as happy as ever.

## Victims of Cyberbullying – Australia (cont)

### Example # 26.1 (cont)

"It was a passing comment, she didn't come in and say 'I'm going to kill myself'.

"All I want is my baby back and it's not going to happen."

Ms Rae warned other parents of the dangers of online bullying.

"I want to tell people to keep their kids off the rotten internet — this horrible place," she said.

"This MSN [messenger] and these other things, the first thing the police said was they are getting bullied and have problems at school and they come and get on the internet and it's continuous and there's no break for them."

A spokesperson for Windows Live Messenger (which in Australia is part of the ninemsn network) said the program featured procedures to keep children safe online.

"Bullying happens in the offline world, and unfortunately in the online world too," Alex Parsons, director of MSN Products said.

"Parents need to get involved with what their kids are doing online, just like they do with other aspects of their kids' lives.

"If a child is being bullied on an instant messaging service or social networking site, they can block that contact and the person will no longer be able to communicate with them."

Chanelle was described as a beautiful and bubbly girl who was a devoted Geelong Cats supporter.

She was a member of the club's cheer squad and took a banner supporting defender Corey Enright to games.

Friends have flooded Chanelle's MySpace page with emotional tributes.

"Looking at all these pictures makes me wanna cry coz I miss you so much," Rebecca wrote.

"It's gonna be hard, I will never forget you beautiful," wrote Taylor.

\* Readers seeking support and information about suicide prevention can contact Lifeline on 13 11 14 or SANE Helpline on 1800 18 SANE (7263) or visit [www.beyondblue.org.au](http://www.beyondblue.org.au).

## Victims of Cyberbullying – Australia (cont)

### Example # 26.2

**By Melissa Jenkins**

*Herald-Sun*

<http://heygrrrl.wordpress.com/2009/07/24/chanelle-rae-schoolmate-i-could-have-met-the-same-fate/>

AS 14-year-old Chanelle Rae is laid to rest in Highton today, another teenager has reflected on the frightening fact she could have met the same fate. Year Nine student Sarah (not her real name) tried to kill herself about one month ago.

Like Chanelle, who took her own life last week, Sarah was the victim of school bullying – in person and on the internet. She attempted suicide following an extended campaign of bullying at the hands of schoolmates and someone who hacked into her Facebook and MSN Messenger accounts and, pretending to be her, posted nasty messages to others.

“I lost so many friends through that,” Sarah told AAP. “Every single day I would go back to school and go through being bullied and having this horrible feeling about every day waking up to go to this horrid place.

## Victims of Cyberbullying – Australia (cont)

### Example # 26.3

#### Teen's death highlights cyber bullying trend

By Thea Dikeos for the 7.30 Report

**7:30 Report** [abc.net.au/7.30](http://abc.net.au/7.30) >

Posted Thu Jul 23, 2009 5:44am AEST  
Updated Thu Jul 23, 2009 6:23am AEST



Disturbing trend: kids bullied online are more likely to suffer from depression and anxiety (ABC News: Giulio Saggin, file photo)

A Melbourne mother has blamed her 14-year-old daughter's suicide on the internet and the tragic case has highlighted the problem of cyber bullying among young people.

In Australia, one of the first comprehensive studies of cyber bullying shows about 10 per cent of teenagers and children have experienced some form of sustained bullying using technology.

It is a behaviour that can have tragic consequences.

Speaking on Melbourne radio, mother Karen Rae is in no doubt that cyber bullying was responsible for the death of her 14-year-old daughter.

"Friday night she was on the internet and told me about some message that had come through, and she wanted to die because of the message," Ms Rae said.

"I laid in bed with her in my bed and we discussed it for about an hour and she left me fairly happy. I can guarantee you if she didn't go on the internet Friday night she'd be alive today."

The girl's death has devastated her family and friends and has dramatically brought to the fore the impact of cyber bullying.

#### Depression, anxiety

Professor Donna Cross from Edith Cowan University has completed a landmark study on cyber bullying, commissioned by the Federal Government.

Professor Cross describes cyber bullying as "any bullying behaviour that is delivered through technology - through mobile phones or over the internet".

## Victims of Cyberbullying – Australia (cont)

### Example # 26.3 (cont)

She says kids who have been bullied are much more likely to suffer from depression and anxiety.

"We know that probably the most significant effects on children who've been bullied are effects on their mental health," she said.

"They're much more likely to feel depressed, anxious, their self-esteem is affected, there are some students that report suicide ideation; it has very serious immediate effects and long-term effects."

Twenty-thousand Australian school children were surveyed using a combination of anonymous questionnaires and interviews.

According to the survey conducted by Professor Cross, about 10 per cent of young people reported they were being cyber bullied.

### 'Chain of abuse'

One of those young people who has been the target of cyber bullying is Tom Wood.

"I was involved in a lot of forums and websites on the net and one of them had members that wanted to abuse others just to get reactions," he said.

"I tried to stand up to him one day and it just started a chain of continuous abuse and threats."

Mr Wood had no idea how to respond to the abuse that was being directed at him online.

He recalls the experience from a few years ago and how difficult it was to speak up about what was happening.

"For a while I didn't know and I didn't react and stop it, instead my thoughts were it wasn't worth telling my parents," he said.

"It would have just alarmed them; they wouldn't have any idea of what to do, so I thought I'd just keep retaliating and not put up with it.

"But after a while I realised all it did was make it get worse and kept provoking the situation, so at the end I just decided not to respond and after a while I didn't get any abuse any more and it just stopped it, simple as that."

## Victims of Cyberbullying – Australia (cont)

### Example # 26.3 (cont)

Since his experience, Mr Wood has become an activist speaking in schools about tackling cyber bullying.

He says the internet is a positive and important social tool for young people and just switching off the computer in order to deal with cyber bullying is not a realistic option.

"I usually tell them not to respond to the bully but try to block and delete them," he said.

"Save the evidence and report the abuse to the administrator, because most of the time that will effectively stop it."

### Not taken seriously?

But for Professor Cross, one of the biggest problems identified by her research is that young people do not think adults take cyber bullying seriously.

"The young people would say the greatest harm is that they feel they can't tell anybody, that covert bullying is something that adults would think isn't that serious," she said.

"Having a rumour spread about you, does that really hurt you? Young people would say, yes, it does, it hurts us enormously, it hurts our reputation, our sense of popularity, and as a result it really can do some harm to us socially, emotionally and mentally."

And what many cyber bullies do not realise is that the abuse which may be meted out over the net or mobile phone may well put them not just outside acceptable social norms but also the law.

Lawyer James Newman says the act of cyber bullying could result in criminal charges.

"There can be offences against the Commonwealth Crimes Act for things all the way from threats to kill down to simply harassment," he said.

"If that harassment, threats to injure, threats to kill occur over telecommunications equipment, those students can be exposing themselves to criminal charges."

There are now calls for parents, schools and children to act together to combat the growing problem of cyber bullying.

"The group that has the greatest opportunity to change this behaviour are peers - we need young people to say, 'we don't want to tolerate this behaviour'," Professor Cross said.

## Victims of Cyberbullying – Australia (cont)

### Example # 26.4

**Natalie Rowe - died in February. She was 14.**

### **Corio teen launches website to tackle suicide**

Jessica Craven

April 14th, 2009



#### MAKING A DIFFERENCE:

Thomas Rowe has launched a website to help combat suicide after the tragic death of his sister Natalie.

### **THOMAS Rowe has spent the last two months on a mission to turn anguish into hope.**

The Corio teenager felt powerless when his beloved 14-year-old sister Natalie took her own life in February but he has turned his grief into a positive message for hundreds of teenagers.

The articulate year 12 student started a [webpage](#) to promote his youth suicide-prevention campaign, entitled Gravity, on social networking site MySpace last Wednesday.

The campaign's catchphrase is "You're not alone, we all feel it" and more than 1200 people have joined the movement in less than a week.

Natalie died by her own hand after battling bipolar disorder and depression.

### **What are your thoughts on this story. Tell us using the feedback form below**

"I never saw it coming and that's the worst part. You just don't know what you could have done to help her," Thomas said.

"I really think something like this would have shown her she wasn't alone, that everyone feels like that sometimes."

Thomas said he set up the website to instil a sense of hope in people who feel desperate and alone.

"Suicide is happening everywhere in Geelong and no one talks about it," he said.

"People have just flooded the site saying I've lost a brother, a cousin, an uncle, a sister to suicide. It's out there and affecting people and they want to know how to stop this."

## Victims of Cyberbullying – Australia (cont)

### Example # 26.4 (cont)

The [site](#) lists suicide helplines and websites people can contact for help and teenagers have been submitting art bearing the campaign slogan to the site.

Thomas stressed that people experiencing personal problems should contact professionals.

"I'm not a trained psychologist, obviously, so it's important that people who need that sort of help access it. But people are using the site in a positive way, to speak about ways to get past the loneliness and sadness we all feel sometimes."

Many followers have added the Gravity banner to their MySpace page in a bid to spread the message.

Thomas said he plans to take his campaign to the streets and was preparing a presentation for high-schoolers.

"I'm building a proper website with a friend at the moment but MySpace is a great way to make people aware of it," he said.

"We're looking at organising a music gig to raise awareness and funds for youth suicide prevention and we want to produce some Gravity clothing to raise money for charity as well."

"I'm also putting together a portfolio to show to local businesses because I'm keen to get some sponsors on board."

PEOPLE experiencing personal problems can call Lifeline on 13 11 14, SANE Helpline on 1800 187 263, Victorian SuicideLine on 1300 651 251 or visit [www.suicideline.org.au](http://www.suicideline.org.au)

## Victims of Cyberbullying – Australia (cont)

### Example # 27.0

<http://www.abc.net.au/news/stories/2010/06/18/2930948.htm>

## Cyberbullying problem beyond school gates, teachers warn

Posted Fri Jun 18, 2010 3:28pm AEST



The Australian Education Union has backed a call by a New South Wales coroner for more counsellors in schools but says cyberbullying must also be addressed.

The deputy state coroner Malcolm MacPherson also called for a review of state anti-bullying policies in findings on the suicide death of 14-year-old Alex Wildman.

The teenager died in 2008 following repeated bullying at schools in Sydney and Lismore, on the state's north coast.

AEU president Angelo Gavrielatos says some of the issues go well beyond the control of schools.

"We need to increase the amount of school counsellor time to be able to address the many complex issues that students bring to schools," he said.

"But some of these issues go well beyond the school gates - cyber bullying goes well beyond the school gates.

"Schools are expected to do a lot of things but I think we need to recognise the community dimension of cyber bullying."

The New South Wales Department of Education says it will carefully consider the coronial recommendations before giving a full response.

It says no form of bullying is tolerated in public schools.

## Victims of Cyberbullying – Australia (cont)

### Example # 28.0

#### **Bullied to Death**

May 13, 2010, 6:58 am Kate Halfpenny and Sarah Marinos whomagazine

Photograph by Richard Whitfield



The suicide of one couple's beloved son leads to Australia's first cyberbullying conviction

Along with photos of friends and his favourite bands, Metallica and Kiss, a yellow barcode is stuck on the door of Allem Halkic's bedroom at his family's home in Altona Meadows, Victoria. During the summer two years ago, "Allem worked with me for eight weeks," says his father, Ali, 44, the Victorian operations manager with an international express and logistics company. "When he went back to school, I found the barcode from work on his door. He said, 'Dad, every day this reminds me why I have to stay at school.' "

But Allem didn't get to find the future he wanted. At age 17, he jumped from Melbourne's West Gate Bridge on Feb. 5, 2009, after an ex-friend sent him a stream of threatening messages via SMS and the internet. On April 8, Allem's tormentor, Shane Phillip Gerada, 21, became the first person in Australia to face prosecution for stalking via cyberbullying when he pleaded guilty in the Melbourne Magistrates Court to stalking. Said magistrate Peter Reardon, "It demonstrates SMS messages or internet communication may have severe consequences on intended victims, whether meant to or not."

Gerada received an 18-month community-based order, but the Halkic family say the loss of their only child has sentenced them to a life of pain. They're not alone. Research in a number of countries reports one-third of young people between the ages of 10 and 18 have been cyberbullied, with some of those receiving death threats. In Australia, one in 10 students, is said to be cyber bullied. Melbourne adolescent psychologist Professor Michael Carr-Gregg referred to cyberbullying on ABC's *Four Corners* in April 2009: "I would like someone to take the lead on what I consider to be the most important public-health issue impacting on adolescent mental health in Australia today."

## Victims of Cyberbullying – Australia (cont)

### Example # 28.0 (cont)

Since Allem's death, time has stood still in his bedroom. His blue quilt is turned back on the bed, and his bedside table has his possessions - crystals, the Breitling watch his parents gave him when he finished Year 11 - in order, just as Allem liked them. There's an opened can of Pepsi Light and an empty bag of chips next to his bed. "He had juvenile diabetes, so before he went to bed he'd always

have something to eat," says Ali. "The night before he died he was laughing at something he was watching on TV in his room. I heard him open the can and I heard him crunching his chips."

That was just before midnight on Feb. 4, 2009. Dina, 42, and Ali went to bed about 10.30 PM but Allem, who was a few days into Year 12 at Bayside Secondary College, popped in. "He asked me what he had for lunch tomorrow. It was in the fridge ready and he checked that," recalls Dina, a finance company senior manager. "He'd seen his best friend, Monica, that afternoon for a few hours. Then he caught up with friends to play poker. Allem won and left with a smile."

On his last night, "There was no sign he was stressed or worried about anything," says Dina. "He went to bed that night with intentions of going to school the next morning. But then something happened, and I don't think we'll ever know exactly what that was." What is known is evidence heard in the Magistrates Court that Gerada fell out with Allem, who he met about four months before his death, after making insulting comments about one of Allem's friends. Allem warned his mate to be careful, and Gerada told police he felt betrayed by Allem. Allem had also recently started to see a local girl. When Gerada found this out, he tracked down the girl's allegedly possessive ex and told him about Allem. In the days and hours before Allem died, Gerada sent him a series of increasingly threatening texts: "Ur all mouth and no action, wait till I get my hands on u, and I'm telling u now ill put you in hospital," and "Don't be surprised if u get hit sum time soon. You f--ked with the wrong person," wrote Gerada, who told Allem it was "payback time."

At 1 AM on Feb. 5, Dina says Allem had a call on his mobile from the girl he was seeing, warning her ex had phoned and he should be careful. Allem contacted Gerada and asked what was going on. Then a group of friends told police they picked up Allem from home about 2.30 AM, drove around for hours, and left Allem at the foot of the West Gate Bridge, where he said he had to meet someone. He walked up the bridge, and around 5.01 AM, Allem jumped into the Yarra River 58m below. Just before his death, he sent Gerada a message: "I need your help. You may not give a f--k about me but just answer your phone tomorrow."

At 6.30 AM the Halkics found Allem wasn't home, and called police. At 7.15 AM, police called back and spoke to Ali: "They asked if Allem had an insulin pump with him and what colour it was. I knew something was very wrong." Within 10 minutes, "A police car parked in the driveway, but the officers sat in the car for a couple of minutes. I could see they didn't want to get out. We were waiting at the door and Dina was holding me so hard," says Ali. When the

## Victims of Cyberbullying – Australia (cont)

### Example # 28.0 (cont)

officers came inside, "I asked if our boy was alive and they said, 'I'm sorry, Mr Halkic. He's dead.' I can't describe how that moment is. Something inside you just disappears."

It was a few days before Allem's bullying via the internet and SMS came to light; when police checked Allem's mobile they found the texts that led to Gerada's being charged and convicted of stalking. "Our son is dead because of the bullying and threats," says Ali. "He took his life because of the fear of what might happen." Allem, he says, "didn't like conflict. And at 17 he was still a child. When he was dealt an evil hand, he didn't know what to do. The tragedy is Allem wanted to protect his family and friends from this. So he kept it to himself." Allem mentioned some of the text messages to his best friend, Monica Shaw, 18, but, she says, "I just told him to ignore the messages and leave it be and he said, 'Yeah, I will.' " Friend Cain Heffernan, 19, says mates "never saw any sign Allem was struggling. I don't think he knew what to do about the bullying. He didn't like fighting."

Fifteen months after Allem's death, Dina has her son's name tattooed on her left wrist, and she and Ali pay regular visits to their son's grave in Melbourne. The black, granite grave is carefully tended and includes mementos - photos, a bottle of Allem's favourite Giorgio Armani aftershave, his sunglasses. Dina and Ali have bought the plots next to their son. "I come here three or four times a week, usually when I'm feeling angry," says Ali, standing at his son's grave. "The normal thing in life, as a parent, would be to try and take revenge. But instead we want to make a difference to other people. We can't let his death stand for nothing."

The couple plan to meet with the National Centre Against Bullying to lobby government to educate children and parents about cyberbullying risks and prevention. They also want to toughen cyberbullying laws so offenders land "appropriate" punishments. "We thought Allem was at home so he must be safe. We didn't know what we were letting in to our house with the internet and his mobile phone and we've paid the ultimate price for our naivety," says Ali. "We live a lie. We're too scared to have a peaceful moment alone so we try and keep ourselves busy. We don't feel anything any more. But we need to know we have done everything we possibly can to prevent this happening to another family."



**Victims of CyberbBullying**

**in**

**2010**

**in the**

**United States of America**

## Victims of Cyberbullying – 2010 – USA

### Example # 29.0

#### Seth Walsh 13 Years Old - Died - 27<sup>th</sup> September, 2010

Seth Walsh, 13 - (Hung Himself at Home)



The pastor told TIME that the focus of the service was "going to be on Seth and his life, not on the bullying, and not on the homosexuality." But both subjects were clearly in evidence at the service. As part of a photo montage displayed on the white walls behind the altar, Seth was shown happily wearing a plastic tiara on his head. The next frame featured the word *bullying* with a red slash through it.

Seth's grandparents insist their grandson knew from an early age that he was gay. "Wendy did everything humanly possible to help him understand his world and to support him," Jim Walsh, a retired school principal, told TIME. "And so did his brothers and sister." But it was something young Seth had trouble accepting. "Initially he wanted to have a girlfriend," says grandmother Judy Walsh, a retired schoolteacher. "He wasn't happy with his orientation. He read the Bible a lot. This was not the way he wanted to live his life, but that's what he was dealt with."

Even before he came out, he was teased enough, his grandparents say, that he was homeschooled on two separate occasions. His best friend, Jamie Phillips, says Seth, who told friends he was gay last year, was harassed long before: "Since it was a rumor that went around, everyone thought he was gay." "He started getting teased by the fourth and fifth grade," says Judy Walsh. "By sixth grade, the kids were starting to get mean. By the seventh grade, he was afraid to walk home from school because he was afraid he would get harassed. As he was walking by a classroom, a kid yelled out, 'Queer.' Stuff like that."

The bullying took every form. "It was eye to eye, over the telephone, personal, over the Internet," says Judy. "He spent a lot of his life frightened." Seth's grandparents say the breaking point came after what they believe was a bullying incident in a local park on Sept. 19. After the incident, Seth appeared to be acting normally at home. He then showered and asked to borrow a pen from his mother to write. Then he said he was going to play with the dogs in the backyard. His horrified mother found him later at the tree and fought to save her child even though she suspected it was futile. "Wendy told me, when she put him on the ground, she knew his soul was gone," said Jim. The medical response teams did their best to revive him, heliporting Seth to the county's trauma center, where he remained on life support before dying Sept. 27.

## Victims of Cyberbullying – 2010 – USA (cont)

### Example # 30.0

#### Asher Brown - 13 Years Old - Died - 23<sup>rd</sup> September, 2010

(Shot himself at Home)



Asher Brown

HOUSTON - A 13-year-old boy has died and his parents say he was bullied to death.

Just one month into the 2010-2011 school year, David and Amy Truong say their son was fed up with his classmates calling him names.

Asher Brown came home from school Thursday while his parents were at work. They say he took his own life so he would not have to be bullied anymore.

"He was just such a sweet boy," says Brown's mother Amy Truong.

David Truong says he arrived home finding his stepson shot to death.

"I thought he was laying there reading a book or something. My son put a gun to his head because he couldn't take what he was hearing and the constant teasing," says David Truong.

Brown's mother arrived home from work finding her home in chaos.

"I saw yellow tape and police cars in front of my house," says Amy Truong while choking back tears of mourning.

Brown was in eighth grade at Hamilton Middle School.

A "No Bullying School Zone" sign is clearly posted out front; a sign the Truongs say their son's tormentors ignored for two years.

"It's just not fair and the ultimate result is my son is dead. He just couldn't take it anymore," says Amy Truong.

## **Victims of Cyberbullying – 2010 – USA (cont)**

### **Example # 30.0 (cont)**

#### **Asher Brown - 13 Years Old - Died - 23<sup>rd</sup> September, 2010 (cont)**

The family actually relocated to the Cypress-Fairbanks area, away from another district because they say Asher Brown was also being bullied there -- a move they say only made things worse.

"For some reason, he stood out and people were just cruel. Kids were cruel to my kid. He was very different. He's not the type of kid that would try to wear the newest clothes or try to do the coolest thing. He was an individual," says David Truong.

"Asher was a great boy. He was very smart," says his mother.

The Truongs say over this past summer, Brown confided in them that he was gay. The parents say the conversation went so well, they believe he went on to confess to children at his school.

"They called him different names for being homosexual. He just had enough," says David Truong.

Facebook is now full of condolences for the 13-year-old student. An outpouring of love from his peers, over his death. Love he obviously did not feel in life.

"It has to stop. I don't want any other family to have to go make funeral arrangements like I did for my son. He wasn't supposed to die at 13," says Amy Truong.

The Truongs say their son often tried to hide that he was being picked on because he felt the bullying would get worse if he told. They say the night before his suicide, he seemed sad. When they asked what was wrong, they say they let it go after he said he was fine.

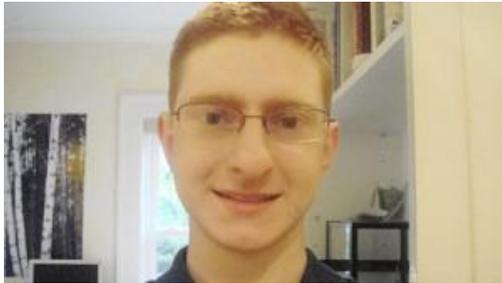
They are encouraging other parents to push past the "I'm fine," because Asher Brown is proof the problem could be much more serious than anyone would imagine.

## Victims of Cyberbullying – 2010 – USA (cont)

### Example # 31.0 (cont)

#### Tyler Clementi – 18 Years Old - Died - 22<sup>nd</sup> September, 2010

(Jumped off Bridge and Drowned)



**Tyler Clementi** was an eighteen-year-old student at [Rutgers University](#) in [Piscataway Township, New Jersey](#), who jumped to his death from the [George Washington Bridge](#) on September 22, 2010.

This occurred after his sexual encounter with a man in his dorm room was [video streamed](#) over the [Internet](#) without Clementi's knowledge, by his roommate Dharun Ravi and a fellow hallmate Molly Wei, and after a second attempt was made by Ravi to record Clementi's sexual encounters.

Ravi and Wei were charged with invasion of privacy.

The shy teenager, a Rutgers University fresher, turned to internet message boards in the days leading up to his suicide where he sought advice.

## Victims of CyberBullying – 2010 – USA (cont)

### Example # 32.0 (cont)

#### Jon Carmichael - 13 Years Old - Died - 7<sup>th</sup> April, 2010

(Hung Himself at Home)



**JOSHUA, Texas**, Bullying may have claimed the life of another student. Jon Carmichael took his own life Sunday after some say he was bullied by bigger classmates.

Jon was an eighth grader at Loflin Middle School and those closest to the 13-year-old say he had been picked-on for years.

Jeremy Stanbaugh, one of Jon's best friends, told [CBS affiliate KTVT](#) that Jon was bullied "because he was short."

"It's just gonna be quiet around here without him around," Jeremy said to the local station.

Other students told KTVT that Jon was a good student and well liked among his friends.

Karen Gowan, who took Jon to her church with her son, hopes there is a lesson to be learned about bullying.

"If there's one positive thing that would come out of this is that kids would learn to treat other kids with respect," Gowan told the station.

**Australia Government**

**CyberbBullying - Initiatives**

**In**

**Australia**

## Australian Government Cyberbullying Initiatives

### Example # 33.0



### **Cybersafety plan**

The internet is an essential tool for all Australians, including children. It is an integral part of our economic and social activities, and a vast resource of information, education and entertainment.

The ability to use online tools effectively provides both a skill for life and the means to acquire new skills.

While the internet has created substantial benefits for children, it has also exposed them to a number of dangers, including exposure to illegal and prohibited content.

Parents rightly expect the Australian Government to play its part in helping protect children online.

### **Cybersafety commitment**

In May 2008 the Australian Government committed \$125.8 million over four years to a comprehensive cybersafety plan to combat online risks and help parents and educators protect children from inappropriate material. Measures include increased funding towards cybersafety education and awareness raising activities, content filtering and law enforcement.

The government's commitment to cybersafety includes:

- expanding the Australian Federal Police (AFP) Child Protection Operations Team to detect and investigate online child sex exploitation
- funding to the Commonwealth Director of Public Prosecutions to manage increased activity resulting from the AFP work to ensure that prosecutions are handled quickly

## Australian Government Cyberbullying Initiatives (cont)

### Example # 33.0 (cont)

- funding to the Australian Communications and Media Authority (the ACMA) to:
  - implement a comprehensive range of **cybersafety education** activities including improving current government
  - cybersafety website resources, make them easier for parents to use, and to provide up-to-date information,
  - implement an online helpline to provide a quick and easy way for children to report online incidents that cause them concern
- developing and implementing **ISP filtering**, which included undertaking a real world **live pilot**
- expanding the **Consultative Working Group** that considers the broad range of cybersafety issues and advises government to ensure properly-developed and targeted policy initiatives
- forming a **Youth Advisory Group** to provide advice to the Consultative Working Group on cybersafety issues from a young person's perspective
- ongoing **cybersafety research** into the changing digital environment to identify issues and target future policy and funding.

## **Australian Government Cyberbullying Initiatives (cont)**

### **Example # 34.0**

#### **Senator the Hon Stephen Conroy**

Minister for Broadband, Communications and the Digital Economy

Deputy Leader of the Government in the Senate

Minister Assisting the Prime Minister on Digital Productivity

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#### **Media Release**

Date: 4 May 2009

Contact: Tim Marshall 0408 258 457

#### **Youth to advise Government on cyber-bullying and cyber-threats**

The Minister for Broadband, Communications and the Digital Economy, Senator Stephen Conroy, today announced a group of 305 young Australians to advise Government on online issues such as cyber-bullying.

"Young people are at the leading edge of online experience and can provide valuable advice on emerging problems such as cyber-bullying, invasions of privacy and illegal content."

"The Youth Advisory Group is a unique opportunity for young people to contribute to policy development by advising the Government on cyber-safety concerns and solutions."

Senator Conroy today launched the Youth Advisory Group with students from Caroline Springs College in Melbourne's western suburbs, one of 15 participating schools nationally.

305 secondary school students nationally, aged from 11 to 17, will participate as members of the Youth Advisory Group through a secure website and at face-to-face meetings.

"The National Broadband Network will herald a revolution in education, providing new opportunities for students, teachers and parents across the country," Senator Conroy said.

"The Government is interested in fostering a safe online environment and helping develop responses to internet risks," Senator Conroy said.

"A safe online environment helps develop digital confidence, increasing the opportunities for people to benefit from online services."

The Rudd Government recognises that there is no single solution to the problem of online risks and that a range of measures is required.

## **Australian Government Cyberbullying Initiatives (cont)**

### **Example # 34.0 (cont)**

The Youth Advisory Group is one part of the Government's \$125.8 million cyber-safety plan announced in May 2008, which includes a comprehensive range of measures such as:

- law enforcement, including 91 extra Australian Federal Police officers
- education and information measures
- resources such as help-lines and websites
- ISP content filtering
- consultative arrangements with industry, child protection bodies, and
- research to identify possible areas for further action.

For further information on cyber-safety, visit [www.dbcde.gov.au/cybersafetyplan](http://www.dbcde.gov.au/cybersafetyplan)

## Australian Government Cyberbullying Initiatives (cont)

### Example # 35.0

## Strategy to reduce suicide in children

Natasha Bita

From: *The Australian*

November 26, 2010 12:00AM

<http://www.theaustralian.com.au/news/nation/strategy-to-reduce-suicide-in-children/story-e6frg6nf-1225961144503>

### **Copycat suicides by children and indigenous Australians will be targeted in a new federal government intervention next year.**

The Gillard government has agreed to a Senate inquiry's recommendation that it devise and fund a suicide prevention strategy to counsel and support Aborigines and Torres Strait Islanders, who are twice as likely as white Australians to take their own lives.

A 10-year-old indigenous girl who hanged herself this year was among 85 Queensland children and teenagers who have killed themselves in the past five years.

Suicide is the leading cause of death for children aged 10 to 14 in Queensland, the state with the most comprehensive data on suicide deaths. More than half the children who killed themselves had tried it before, and four in 10 had witnessed the suicide of a friend, family or community member, according to the Queensland Commission for Children and Young People.

Many of the children committed suicide after contact with welfare workers, police, health services and schools, according to a damning indictment of the state's child protection system.

Twenty children were aged 10 to 14, and 27 were "known" to the child protection system. Forty per cent had experienced abuse or chronic family conflict or violence.

The Queensland opposition's spokesman for child safety, Jack Dempsey, said it was heartbreaking and outrageous that any children known to welfare workers had died. "If we had one death in custody, we would have a royal commission," he said yesterday.

Twenty-four of the dead children were indigenous, making the Aboriginal suicide rate six times higher than for white children.

Nationally, the suicide rate among indigenous people aged 15 and older is more than double the rate of other Australians.

## **Australian Government Cyberbullying Initiatives (cont)**

### **Example # 35.0 (cont)**

The Queensland commission found that 63 per cent of children who committed suicide had "significant behavioural problems and disciplinary problems".

"This included ongoing truancy, physical and verbal abuse of others, suspension or exclusion from school [and] contact with police and/or youth justice," it says in a submission to the Senate inquiry into suicide. "These findings challenge the popular belief that most students who suicide are predominantly introverted, withdrawn and often bullied. Sixty per cent . . . had previously stated or implied their intention to suicide."

*The Australian and New Zealand Child Death Prevention Group says 49 children killed themselves in Queensland, NSW and Victoria in 2007.*

***Bullying & Cyberbullying***

***Practical Theories & Models***

*by*

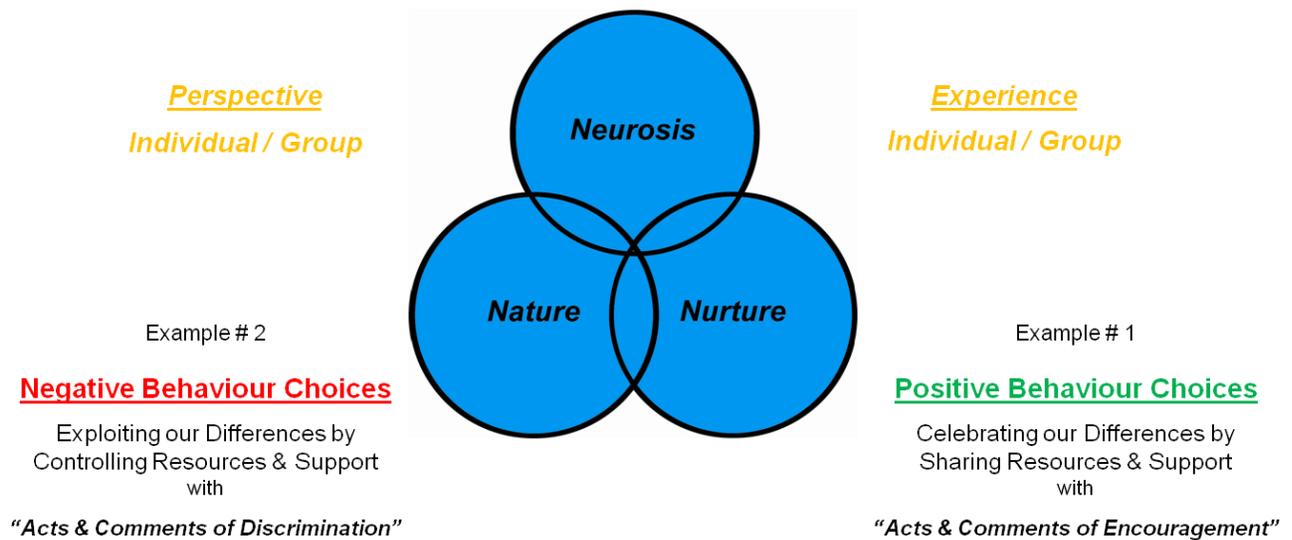
***Stewart Healey***



# Bullying & Cyberbullying Behaviour

## The 3 N Theory– Individual Differences

*Biological, Social & Individual – Influences on Behaviour*

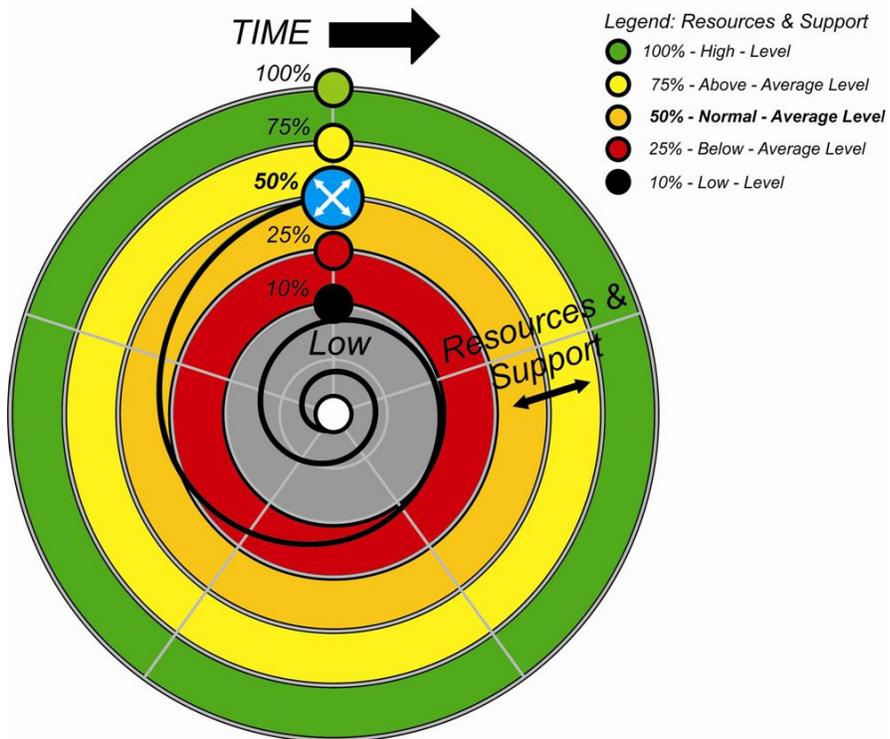


***“Nature V’s Nurture V’s Neurosis” Theory - Stewart Healley - 2000***

# Bullying & Cyberbullying Behaviour

## Resources & Support - Circle

### Four Vector Interaction – Strength & Direction



S. Healley (2000) Resources & Support Theory – Expansion & Contraction Diagram – FOUR VECTORS

# Bullying & Cyberbullying Behaviour

## Resources & Support - Matrix

### Resources & Support Matrix - Stewart Healley (2000)

Resources	Not-Sharing In Resources & Support	Sharing in Resources & Support
High (Low) (Needs)	<ul style="list-style-type: none"> <li>➤ Feeling Bad</li> <li>➤ Helpless</li> <li>➤ Conflict</li> <li>➤ Unsupported</li> <li>➤ Out of Control</li> <li>➤ Disconnecting</li> <li>➤ Outcast of Society</li> <li>➤ Aggressive</li> <li>➤ Covert Power</li> <li>➤ Angry</li> </ul>	<ul style="list-style-type: none"> <li>➤ Feeling Good</li> <li>➤ Helping</li> <li>➤ Confident</li> <li>➤ Supporting</li> <li>➤ In-Control</li> <li>➤ Connecting</li> <li>➤ Building of Society</li> <li>➤ Resilient</li> <li>➤ Overt Power</li> <li>➤ Alive</li> </ul>
Low (High) (Needs)	<ul style="list-style-type: none"> <li>➤ Feeling Sad</li> <li>➤ Hopeless</li> <li>➤ Confused</li> <li>➤ No Support</li> <li>➤ No Control</li> <li>➤ Disconnected</li> <li>➤ Burden on Society</li> <li>➤ Stressed</li> <li>➤ Powerlessness</li> <li>➤ Suicidal</li> </ul>	<ul style="list-style-type: none"> <li>➤ Feeling Happy</li> <li>➤ Helped</li> <li>➤ Comfortable</li> <li>➤ Supported</li> <li>➤ Shared Control</li> <li>➤ Connected</li> <li>➤ Part of Society</li> <li>➤ Content</li> <li>➤ Power Sharing</li> <li>➤ Euthanistic</li> </ul>
Support	Individual	Community

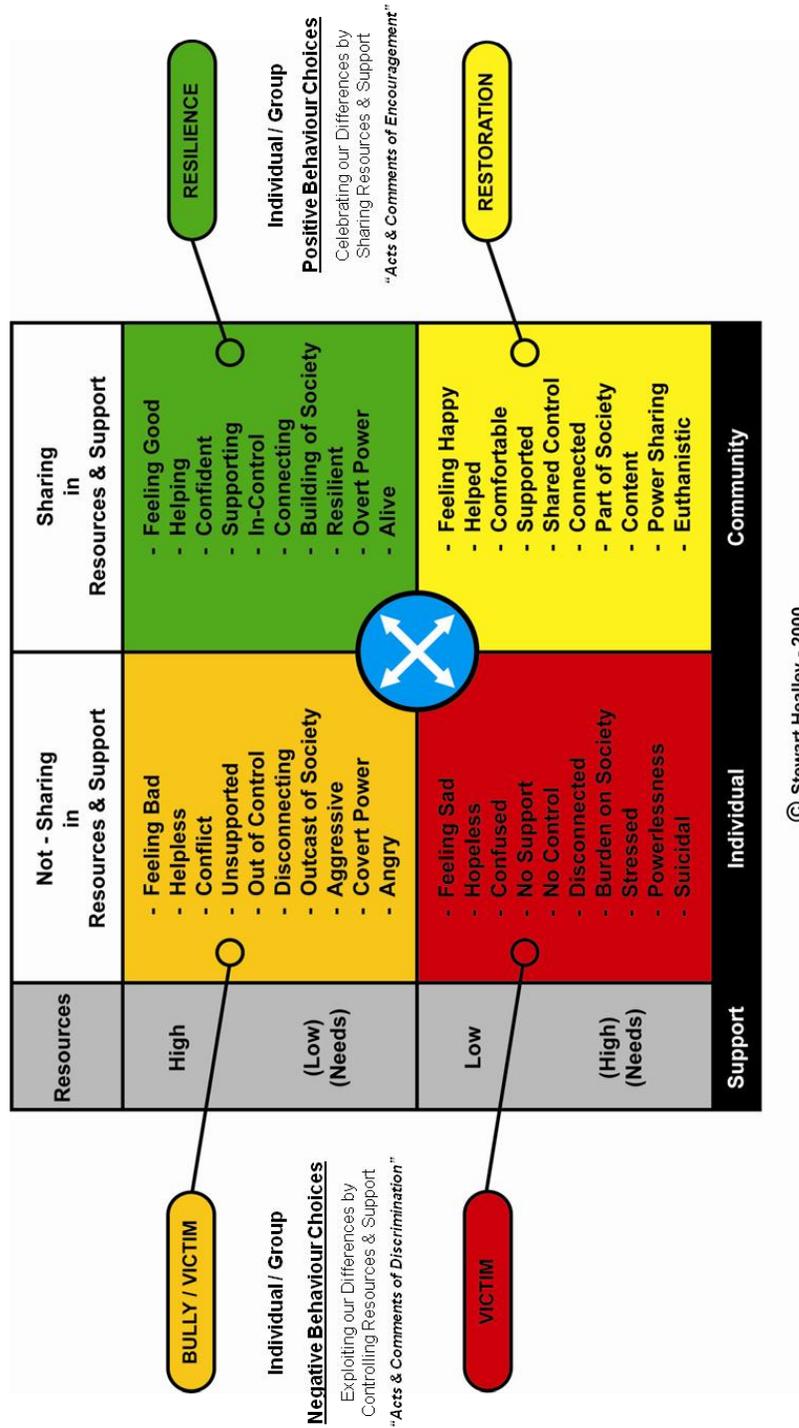


*High Needs = Low Resources*  
*Low Needs = High Resources*

# Resources & Support – Bully / Victim Matrix

## “Positive” or “Negative” – Behaviour Choices: Resources & Support Theory

### “Conflict Resolution”



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**I AM YOUR EQUAL**

*I am your Equal*

*as*

*You are Mine*

*No Better no Worse, just Equal*

*I will Respect your Rights*

*and*

*You WILL Respect Mine*

*Cheers*

© Stewart Healley - 1996

***The End***