

ASSAULTS AND BULLYING



This sheet is intended to provide general information only, not advice. If you have a particular legal problem you should contact a solicitor. Each section ends with a list of agencies who might be able to assist you, including legal agencies.

What is assault?

A person can be charged with assault in Queensland if they apply force to another without their consent or threaten to apply force to another person. The person charged must appear to have the ability to carry out the threat.

You can be charged with assaulting a person even if you did not actually touch them, but you did move/act towards them in a way that would make them feel afraid of violence.

The more harm you cause a person when you assault them, the more serious the charge against you can be. For example,

- If you hit a person and they do not suffer injury you may be charged with 'common assault'.
- If you hit a person and cause an injury, you may be charged with assault causing bodily harm.
- If you hit a person and they bleed, you may be charged with 'wounding'.
- If you hit a person, and you cause an injury that will not heal without medical help you can be charged with 'grievous bodily harm'.

If someone hits me first, can I hit back to protect myself?

Yes, but you will have to be able to show that any force you used was needed to defend yourself or somebody else.

Can I be charged if I agree to a fight?

Yes, you can. It is illegal to be in a fight in public. In some circumstances even if you agree to be in a fight, you may be charged if you injure somebody. This can include fights at school and fights at sporting activities.

What is bullying and can I get in trouble for it?

Bullying describes many different types of behaviour that is repeated to cause harm. Many of these actions may be illegal, including;

- if someone is threatened with assault
- if someone uses a phone or other electronic device to harass or menace
- if someone stalks another person (see below)

What is 'unlawful stalking'?

'Unlawful stalking' happens when someone does any of the following things either over a long period of time, or on more than one occasion to another person:

- follows, loiters or watches someone or a place that the person goes to regularly
- contacts the person in any way (including using technology such as mobile phones or email)
- leaves or gives a person offensive material

- commits intimidating, harassing, or threatening acts against a person or their property (including threats of violence).

AND this behaviour causes the person fear and/or harm.

Who can help?

Youth Advocacy Centre (YAC) www.yac.net.au 3356 1002

Hub Community Legal www.hubcommunity.org.au..... 3372 7677

YFS Legal www.yfs.org.au..... 3826 1500

Legal Aid Queensland www.legalaid.qld.gov.au..... 1300 651 188

Youth Legal Advice Hotline (Monday - Thursday 8am - 9pm; Friday 8am - Sunday 5pm)..... 1800 527 527

*Aboriginal & Torres Strait Islander Legal Service www.atsils.org.au..... 3025 3888
or*

*(free call) 1800 012 255
(24hrs 7 days a week)*

Translating & Interpreting Services (24hrs)..... 131 450

Community Legal Centres (CLCs) see www.naclc.org.au for your nearest CLC

E-safety Commissioner <https://www.esafety.gov.au/young-people>

Alannah & Madeline Foundation www.alannahandmadeline.org.au

This sheet was last reviewed and updated in November 2023. The Youth Advocacy Centre does not accept responsibility for any action or outcome because of anyone relying on the information provided.