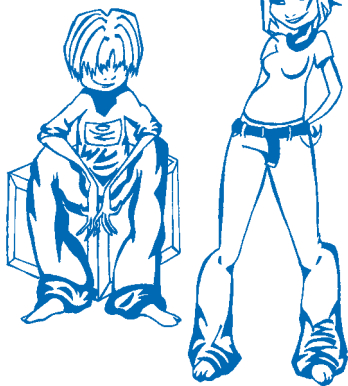


AM I OLD ENOUGH?



Common legal issues for young people

AM I OLD ENOUGH?



Fourteenth Edition

This publication was produced with funding provided by the Attorney-General of Victoria as part of the Victorian Government's initiative to improve community awareness of rights and responsibilities under the law.

This publication is updated regularly.
Check that you have a recent version.

The legal information in this book was current at the time of printing, but may change without notice. Always check for changes in the law with a Victoria Legal Aid office or community legal centre. For further copies of this booklet phone 9269 0223 or email publication@vla.vic.gov.au.

This information is also available on our website:
www.legalaid.vic.gov.au

Thanks to the 230 students who participated in the research that formed the update of this edition. We would also like to thank the people and organisations that contributed to the development of this new edition, in particular:

Youthlaw	The Action Centre
Job Watch	Welfare Rights Unit
Frontyard	Streetwise Communications (NSW)
Youth Action Policy Association (NSW)	Sharon Billing
Sarah Turnbull	Noah Erlich
VicRoads	

Designed & published by Victoria Legal Aid
Front cover illustration by Naomi Trengove
© 2002 Victoria Legal Aid
ISBN 1 877037 34 6
Fourteenth Edition September 2002

About this book

This booklet looks at common legal issues for young people in Victoria. It covers when you can and can't do things because of your age. It also has general information about your legal rights. The law may be different in other states, so always check.

The booklet does not go into a detailed explanation of the law. It should not be used instead of legal advice.

If you have a legal problem, don't just rely on this booklet, contact Victoria Legal Aid, Youthlaw, a community legal centre or a lawyer.

Contents

Your life - your rights 5

Discrimination	6
• Sexual harassment	6

At school 8

Suspension	8
Expulsion	9
• If you disagree with expulsion	10
Private schools	11
Bullying	11

Becoming independent 13

Leaving school	13
Getting a job	13
• Work experience	14
• Employment contracts	14
Looking for work	15
• Job Network	16
Paying tax and the tax file number	16
• Tax file number	17
Bank accounts	18
Leaving home	18
Finding a place to live	19
• Renting	19

Centrelink	21
• Youth Allowance	21
• Abstudy	22
• Parenting Payment	22
• Special Benefit	22
• Disagreeing with a Centrelink decision	22

Driving	23
• Cars	24
• Motorbikes	24

Voting	24
Passports	25
Making a Will	25

Buying things 26

Contracts	26
• Guarantor	27
Exchange and refund	27
• Shops	27
• Private sales	28
• Buying 'dodgy' goods	28
Mobile phones	29
• Health	30

Relationships 31

Sex	31
Incest and sexual assault	32
Getting married	32
Family breakdown	33
• Child Representative	34

Birth certificates	34	• Guns	47
Changing your name	35	• Other weapons	47
Violence	35	• Dangerous articles	48
• Child abuse or neglect	36	Security guards & bouncers	48
• Getting a court order	37	• What security guards can and can't do	49

Health

Choosing a doctor	38
• Complaints	41
Consenting to or refusing medical treatment	38
Getting a Medicare card	40
Contraception	40
Pregnancy	40
• For the father	41
Abortion	41

Out there

Tattoos & body piercing	43
Buying cigarettes	43
Drinking alcohol	43
Drugs	44
• Using	44
• Possession	44
• Trafficking	45
• Cultivation	45
• Syringes and the law	45
• Overdoses	46
Carrying a weapon	47

38

The legal system 51

Being taken to court	51
• By the police	51
• By someone else	51
• By the Department of Human Services	51
Police	52
• Speaking to the police	52
• Name and address	52
• Searches	53
• Police questioning	54
• Fingerprinting	55
• Forensic procedures	56
• Complaints	57
Victims of crime	58

Getting legal help 59

Lawyers	60
• Complaints	60
Read more	60

your life your rights

Regardless of your age, you have rights. The United Nations Convention on the Rights of the Child sets out general principles about the rights of people under 18. Australia signed the Convention in 1990. Under the Convention you have the right to be free from sexual and economic exploitation, the right to your own opinion, and the right to education, health care and economic opportunity.

The Convention says that your family is mainly responsible for your care and protection. However, in any legal process affecting you, the Convention says that the 'best interests of the child' must be the main consideration, and that your opinion should be heard.

Once you are 18 you are legally an adult and are covered by the same laws as adults – this means you no longer need your parents' permission to do things.

Before you turn 18, the law will sometimes say how old you have to be before you can do certain things. In other cases it is not so clear. If there is no law setting an age limit, it is up to you to work out with your parents what you can and can't do.

Discrimination

Discrimination means being treated unfairly or not as well as other people. The law says that everyone is equal, regardless of things like their sex, age, race, marital status, physical features, disability, religion, sexuality, gender identity and political views.

Discrimination, including sexual harassment, is unlawful if it happens at school, at work, in clubs, during sporting activities or when you receive goods or services. For example, it is illegal to refuse to serve someone because of their race. It is also illegal to refuse to rent a house to an unmarried couple.

It is also illegal to incite racial hatred. This includes things like racist graffiti or making racist speeches in public.

SEXUAL HARASSMENT

Sexual harassment can happen to boys as well as girls. Harassers can be men or women.

Sexual harassment is unwelcome and uninvited sexual behaviour. It can include things like telling smutty jokes, staring and leering, comments about a person's sexual behaviour, offensive pictures, touching, pinching or brushing up against someone unnecessarily, or kissing or hugging someone against their will. Sexual behaviour that you agree to because you are scared or were pushed into it is also sexual harassment.

Sexual harassment is not flirtation or sexual behaviour that you want or agree to. It is not sexual harassment to develop friendships, sexual or otherwise, with people your age.

Help:

- Equal Opportunity Commission, 9281 7100 or 1800 134 142 (country), TTY 9281 7110.
- See 'Getting legal help', p.59.
- 'Using Disability Discrimination Law', a free booklet, phone 9269 0223.

Websites:

- Equal Opportunity Commission — www.eoc.vic.gov.au
- Human Rights & Equal Opportunity Commission — www.hreoc.gov.au

at school

If things are not working out for you at school, changing schools is an option. If you are facing suspension or expulsion, and you do not want to stay at your current school, it is much easier to change schools before you get suspended or expelled.

Talk to your student welfare coordinator about options.

Suspension

Suspension is when you are excluded from school for a short time. You can be suspended if you:

- create a danger to people at school, such as taking weapons to school,
- use serious violence against people,
- seriously damage property,
- steal or help others steal,
- sell, use or bring drugs to school,
- disobey clear and reasonable instructions from school staff,
- disturb order at school or stop others from learning or taking part in school life,
- discriminate against, harass or bully other people (see 'Discrimination', p.6 and 'Bullying', p.11).

If you are 15 or older, you can be suspended if you deliberately and regularly do things like skip classes or don't do any work.

Before suspending you, the principal should let you explain what happened and consider other penalties. They should also meet with your parents or guardian to talk about the situation and explain what happens if you are suspended. If the principal agrees, you can take a support person to the meeting.

You can be suspended immediately, without a meeting, if the principal thinks this is necessary.

You can't be suspended for more than 10 days at a time. You can't be suspended for more than 20 school days in a year. You can still do school work while you are suspended. The school must give you work if you ask.

If you don't agree with the suspension you can write to the School Council, the regional director, Department of Education and Training or the Ombudsman (see 'Help', p.11).

Expulsion

Expulsion is when you are excluded from school permanently. You can be expelled for doing any of the things you can get suspended for (see p.8) and if your behaviour is so serious that suspension is not enough.

The school must give you and your parents the chance to explain why you shouldn't be expelled. Within 24 hours of being expelled you and your parents have to be given a notice stating:

- the date your expulsion starts,
- the reason for expulsion,
- how to appeal against the expulsion.

If you are less than 15, the principal must help you enrol in another school. If you are 15 or older, the school will give you options for continuing your education.

IF YOU DISAGREE WITH EXPULSION

You can write to the principal within 5 days of getting the expulsion notice, to say you want the decision reviewed. Include your reasons and say whether you want to argue your case in person.

The principal will send your letter to the Expulsion Review Panel. The panel includes 2–3 people from the school and the community.

They will hold a hearing where you and your parents can explain why you should not be expelled. You can bring a support person as long as they are not being paid to be there.

The panel can either agree with the expulsion or recommend that you return to school.

If you don't agree with the panel's decision, write to the regional director, Department of Education and Training within 10 days of being told their decision (see 'Help', p.12).

The director will ask someone to investigate the case. If you still don't agree with the investigator's decision you may be able to challenge it in court. Get legal advice, see p.59.

Private schools

Independent schools have more freedom to suspend and expel students than government schools. Get a copy of your school's disciplinary procedures to find out how to challenge a decision.

You may be able to challenge your suspension or expulsion in court or through a tribunal. Get legal help, see p.59.

Help:

- The Ombudsman can investigate decisions made by government schools and can recommend different action. For more information phone 9613 6222 or 1800 806 314 (country).
- See 'Getting legal help', p.59.

Bullying

Bullying is something done on purpose against a person or group of people to upset or hurt them. Bullying can happen once or many times a day or week. It can go on for months or years.

There are different types of bullying, including:

- **Physical** – this means hurting your body, like hitting, pinching or kicking. It can also mean interfering with your property, like stealing or damaging your stuff.
- **Verbal** – this means speaking to you or about you in an unkind and hurtful way, like teasing, name calling or spreading rumours.
- **Non-verbal** – this includes things that upset, exclude or embarrass you, like leaving you out of a game or activity on purpose, making rude gestures or writing hate notes.

Bullying is not acceptable. If you are being bullied, you can take action to stop it. Schools have a responsibility to make you feel safe. Most schools have policies about bullying.

If you are being bullied make a list of all the things that have happened. Talk to a teacher, welfare coordinator or school principal about what they can do. Be prepared to name the bully.

Bullying can also happen outside school. It can come from adults, even family members (see 'Violence', p.35). Remember, you can take action to stop bullying. Talk to an adult you trust.

Help:

- Kids Help Line, 1800 551 800 (24 hrs).
- Centre for Adolescent Health, free support and referral, 9345 5890.
- See 'Getting legal help', p.59.

Websites:

- Headroom — www.headroom.net.au/cubby/index.html
- Somazone — www.somazone.com.au
- Kids Help Line — www.kidshelp.com.au
- www.bullyingnoway.com.au

becoming independent

Leaving school

You must go to school until you are 15 unless you have a reasonable excuse, such as:

- you are being given proper and regular lessons at home,
- there is no state school within 5 kilometres and you are learning by correspondence,
- you are very ill or unable to get to school,
- you have been exempted by the education department for some other reason, like you have to leave school to work because your parents are very ill or suffering severe hardship.

If you want to leave school before you turn 15, you need approval from the regional director, Department of Education and Training, phone 9637 2000.

Getting a job

If you are under 15 you can't work full-time or part-time unless your parent or guardian gets a Child Employment Permit from the Department of

Innovation, Industry and Regional Development, phone 9651 0940. You will only get a permit if the job is safe and appropriate.

The permit is meant to give you protection from unsafe workplaces, exploitation, and people who want to stop you going to school. If you are working without a permit your employer and your parent or guardian can be fined.

If you are under 15, you can only get a job during school hours if you have permission not to go to school (see p.13).

You can't sell alcohol in a bottleshop, hotel or restaurant until you are 18, unless you are on an approved training program.

WORK EXPERIENCE

If you are over 13 or in year 8 or above, you can do work experience for up to 10 days a term but no more than 40 days a year. You can't work for more than 10 days in one work experience placement.

EMPLOYMENT CONTRACTS

Once you get a job you may be asked to sign an employment contract. This is a legally binding document that sets out your conditions of work. Your rate of pay depends on your age.

Never sign a contract until you have read it, understood it and agree with it. Even if you think you know what you are signing, it is a good idea to get advice before you sign. Make sure you keep a copy for yourself.

If you have questions about employment contracts, pay and conditions, job interviews, being sacked unfairly or other work problems, get advice quickly. Discrimination and sexual harassment at work are unlawful (see p.6).

Help:

- Wageline, 1300 363 264 (free call).
- Job Watch, 9662 1933 or 1800 331 617 (country).
- Trades Hall Council, 9662 3511 (if you are a member of a union).
- 'People & Work', a free booklet about your rights at work, 9269 0223.
- Australian Industrial Relations Commission, 8661 7777. If you have been unfairly dismissed contact the commission within 21 days of your employment ending. Get legal help (see p.59).

Websites:

- Wagenet – www.wagenet.gov.au
- Job Watch – www.job-watch.org.au

Looking for work

Depending on the kind of work you are looking for, local shopping centres, newsagents and restaurants can be good places to start looking. Check the job ads in your local and other newspapers.

Sometimes jobs are not advertised, so it is worth telling people you know that you are looking for work – they may be able to help you.

There are some good websites that list jobs, offer tips, answer questions and search for jobs for you.

Websites:

- www.careers.gov.au
- www.monster.com.au
- www.careerone.com.au
- www.seek.com.au

JOB NETWORK

Once you turn 16, if you are unemployed, you can register with your local Centrelink office. You don't have to be receiving a Centrelink payment to use the services provided by Job Network (see Centrelink, p.21). Job Network members are not part of Centrelink.

Anyone who is looking for a job can use the Job Network access area in Centrelink offices. These areas have touch screen units that list jobs. You can also use the phone, fax, photocopier, computers and printers to help you prepare resumes and job applications.

If you are interested in starting an apprenticeship or traineeship, Centrelink can refer you to Job Network members who handle new apprenticeships.

Help:

- Centrelink, 13 2850.

Paying tax and the tax file number

No matter how old you are, if you work and earn more than \$6000 in one year then you must put in a tax return. If you are under 18 and earn more than \$419 from investments in one year, you must put in a tax return.

The first \$6000 you earn is tax-free. This is called the 'tax free threshold'. This applies to only one income, so if you work part-time and receive Youth Allowance, you can only claim the tax-free threshold for either your part-time income or your Youth Allowance income.

Your employer will send you a Payment Summary (formerly called a Group Certificate) after the end of the financial year (30th June). This summary shows how much you earned in that year and how much tax you paid.

If you earned less than \$6000 and tax was taken from your pay, you can put in a tax return to get that money back. This is called a 'tax refund'.

The Australian Taxation Office has a booklet called the 'Tax Pack'. It tells you how to fill in your tax return. You can get a copy from the tax office or any newsagent.

TAX FILE NUMBER

You need a tax file number when you:

- become a tertiary student on HECS (Higher Education Contribution Scheme),
- get a Centrelink payment, or
- lodge a tax return.

To get a tax file number, fill in an application from the tax office. You will need identification such as a Birth Certificate. If you are still at school, you can apply through your school to get a tax file number.

Help:

- Australian Taxation Office, 13 2861.

Bank accounts

You can open a bank account at any age. You need more than one form of identification, like your birth certificate and photo i.d. Ask the bank what kind of i.d. they need. If you have a tax file number, tell the bank.

Help:

- Banking Ombudsman, 9613 7333 or 1300 780 808 (freecall).

Leaving home

When you are 17 you can leave home if you want.

If you leave home before you turn 17, and someone thinks you are at risk of suffering significant harm, they can report this to the Department of Human Services. Some people must report if they think you are at risk (see 'Child abuse or neglect', p.36).

If the department is concerned for your safety, they can ask the Family Division of the Children's Court to make an order to protect you. The order can say where you will live and who you will live with.

The department is unlikely to take you to court if you:

- have somewhere decent to live,
- have enough money to live on,
- are mentally healthy, and
- are not involved with drugs, prostitution or any other illegal activities.

If there are serious problems at home and you don't want to go back, it is unlikely that you will be forced to. The court may order that you live somewhere else, such as with another family or in a hostel.

Help:

If you are having problems with your parents you can get free advice and support from:

- Reconnect for mediation, support and referral, 9611 2411.
- Centre for Adolescent Health, support and referral, 9345 5890.
- Kids Help Line, 1800 551 800 (24 hrs).
- 'Just In Case', a free book about the Children's Court, phone 9269 0223.

Finding a place to live

If you need somewhere to live urgently, then you might be able to get emergency accommodation on a short-term basis.

Help:

- Frontyard, 9614 3688.

RENTING

Even if you are under 18 you can rent a house or flat (but see age limits on leaving home, p.18). If you are receiving a Centrelink payment you may be able to get rent assistance.

You usually have to sign a lease. This is a contract between the owner of the house or flat (the landlord) and the person who rents it (the tenant).

Make sure you read and understand the lease before you sign it.

You also have to pay a bond. This is usually one month's rent. You get it back when you move out – provided you have paid your rent and kept the place in good condition.

The landlord or estate agent must send the bond to the Residential Tenancies Bond Authority and give you a condition report. This outlines what condition the place is in at the start of the lease.

The landlord is responsible for getting repairs done to maintain the place. You can get help if this is not done.

If you don't pay the rent you may be evicted (thrown out). If you damage the place, the landlord may keep your bond money. To do this they have to apply to the Victorian Civil and Administrative Tribunal, Residential Tenancies List.

Get help if you are in this situation.

Help:

- Tenants Union, 9416 2577 or 1800 068 860 (freecall).
- Consumer Affairs, 1300 558 181.
- Estate Agent Resolution Service, 1300 737 030.
- Residential Tenancies Bond Authority, 1300 137 164.

Websites:

- Tenants Union — www.tuv.org.au
- Consumer Affairs — www.consumer.vic.gov.au

Centrelink

Centrelink is a government organisation that can give you money if you don't have financial support. If you are not sure whether you are eligible for Centrelink payments, it is always best to apply.

Centrelink will look at your situation and work out whether you are entitled to financial help. If you are eligible, the type of payment and how much you get depends on your circumstances.

If you are unemployed you can register with your local Centrelink office, even if you are not eligible for an allowance. By registering, you will get access to a range of job search services (see p.16).

YOUTH ALLOWANCE

This is for young people who need financial support while studying, training or looking for a job. You may be eligible if:

- you are a full-time student aged 16 to 24, or
- you are aged 16 to 20 and are looking for a full-time job or combining part-time study with looking for work.

If you are between 15 -24 and are an orphan, a refugee or homeless, or your parents can't provide a home, care or support, or if you have a dependent child, you are considered independent and may get a higher rate of Youth Allowance. This can be complicated. See 'Getting legal help', p.59.

If you are sick and are temporarily unable to work, study or look for work, you may still be paid Youth Allowance. You have to get a medical certificate.

If you are under 18 and you leave school before finishing VCE and you don't

plan on doing any further study or training, you will probably not be eligible for a Centrelink payment. You may have to rely on your parents to support you, unless you can find work.

If you can't live at home or stay at school or find suitable study or training programs, ask to see the social worker at your local office to talk about your options. Call 13 1021 to make an appointment.

ABSTUDY

This is for indigenous people who are studying. You must be at least 14 if you are at primary school but there is no age limit for secondary school students. For more information, call Centrelink on 13 2317.

PARENTING PAYMENT

If you have a child you may be eligible for Parenting Payment, no matter how old you are.

SPECIAL BENEFIT

This may be available if you are in financial hardship and can't get any other type of income support.

DISAGREEING WITH A CENTRELINK DECISION

If you think a Centrelink decision is wrong, talk to the person who made the decision. If you are still not satisfied you can ask for the decision to be reviewed by an Authorised Review Officer. You can do this by phoning or visiting your local Centrelink office.

If you still think the decision is wrong, you can appeal to the Social Security Appeals Tribunal. This is free but you must appeal within three months if you want to get 'back pay'.

You can appeal by:

- phoning the tribunal on 9954 0700 or 1800 011 140 (freecall),
- writing to them at GPO Box 9943, Melbourne 3001, or
- filling in an appeal form at your local Centrelink office.

Get legal advice first, see p.59.

Help:

- Welfare Rights Unit, 9416 1111.
- Centrelink, 13 2490.
- See 'Getting legal help', p.59.

Websites:

- Welfare Rights Unit — www.welfarerights.org.au
- Centrelink — www.centrelink.gov.au

Driving

You can't drive a car or ride a motorbike on any road or in any public place in Victoria without a learner's permit or driver's licence. You can't drink any alcohol and drive while on your L or P-plates.

You have to be 18 to apply for a full driver's licence. Once you get your driver's licence you will be on P-plates for three years. This is called a probationary licence and there are stricter rules during this time.

The penalties are tough if you break the rules on a probationary licence. Your car or motorbike must be registered if driven in a public place.

CARS

You can apply for a learner's permit to drive a car when you are 16. If you are aged 18–25, you must have your learner's permit for at least six months before applying for a driver's licence.

There are limited exceptions that allow people under 18 to have a shorter learners permit period, like if the license is essential for work and you live in a very isolated area.

MOTORBIKES

You can apply for a learner's permit to ride a motorbike when you are 18. You must have the permit for at least three months before you can apply for a full licence.

For the first year of your licence you can't ride a motorbike with an engine bigger than 260cc or carry a pillion passenger.

If you are riding a motorbike or a pushbike you must wear an approved helmet.

Help:

- VicRoads, 13 11 71.

Voting

You can register to vote when you turn 17, but you can't vote until you are 18. Once you are 18 it is compulsory to vote in state, federal and local council elections. You will be fined if you don't vote.

Passports

You can apply for a passport before you turn 18, if your parents agree.

If your parents can't or will not agree, there are steps you can take.

Contact the Passport Information Service on 13 1232. Passport applications are available from your local post office.

You don't need your parents' consent to get a passport if you are married.

Making a Will

When you are 18 you can make your Will. This is a document that says who you want your belongings to go to after you die. It must be signed by you and witnessed by two other people. Get legal advice if you want to make a Will (see p.59).

If you are under 18 you can only make a Will if you plan to marry or are married. The Will is only valid if you do actually marry or if you have court approval.

buying things

Contracts

A contract is an agreement between two people that the law says must be carried out. Most contracts don't have to be in writing. In general, when you buy something, you and the seller have a contract, whether you sign anything or not. But if you are buying a car, you do have to sign a written agreement.

If you are under 18 you have to stick to a contract if:

- you have bought things you need to live on, like food, housing, clothing or medicine,
- it helps you with employment or education,
- it has already been carried out, like if you bought something you will not be able to get a refund just because you are under 18.

If you have completed the contract, like if you have paid all the money, you may not be able to undo it unless the goods are faulty.

Because under-18-year-olds don't have to stick to contracts, shops and companies that lend money may not let you use a credit card or borrow money without a guarantor.

GUARANTOR

A guarantor is someone 18 or over who promises that you will stick to your side of the contract and they will pay if you don't. If you don't pay, the seller or moneylender can take the guarantor to court as well as taking legal action against you. Usually you can't buy a car without a guarantor.

Help:

- Credit Helpline, 9602 3800 or 1800 803 800 (country).
- Financial and Consumer Rights Council, 9663 2000 or 1800 134 139 (country). Free financial counsellors can check credit agreements, help you sort out your debts and talk to lenders.
- See 'Getting legal help', p.59.

Exchange and refund

Choose carefully when you buy something because you can't always get a refund or an exchange if it is not right.

SHOPS

If you buy something from a shop you have some rights. If you are not sure whether or not to buy something, talk to the shopkeeper. Tell them what you want it for and find out if the goods are what you need.

Ask if you can get a refund or an exchange if the goods are not right. Keep your receipt as proof of your purchase.

Many shops display their policy on exchanges and refunds near the cash register. A sign that says 'No refunds' is illegal. Even a policy saying 'No refund on sale items' might be breaking the law.

Some shops always give a refund if you ask. Others will only do this if the goods are not of a reasonable quality or they don't do the job they are meant to.

If you think you should get a refund but the shopkeeper refuses to give it to you, you can complain to Consumer Affairs.

PRIVATE SALES

These laws don't apply to sales between private individuals, like friends or family. Make sure you buy what you want and that it works, as there is no automatic right of refund or exchange.

BUYING 'DODGY' GOODS

If you are buying things from friends, privately or at a market or second-hand stall, check that the person selling the goods is entitled to sell them – that is, that the goods are not stolen. It is worth asking for proof of ownership, or evidence that the seller has authority to sell. If the goods are stolen, the original owner can claim them back.

Help:

- Consumer Affairs, 9627 6000 or 1800 136 716 (country).
- Consumer Law Centre, free advice, 9629 6300 or 1300 881 020 (freecall).
- See 'Getting legal help', p.59.

Websites:

- Consumer Affairs – www.consumer.vic.gov.au
- Consumer Law Centre – www.clcv.net.au

Mobile phones

Mobile phones are handy and popular. But they do cost. You have to be 18 to sign a mobile phone contract. Often kids ask their parents to sign the contract. This means they have to pay if you can't.

Technically the contract can be transferred into your name once you are 18. In reality, this can be difficult, as you need to have a credit check, more than one form of i.d. and a credit card. You can get a pre-paid phone at any age.

If you are thinking about getting a mobile phone, remember:

- Mobile phone networks don't cover all areas. Make sure the phone actually works in your area.
- There is no such thing as a free phone. There is always a catch. The cost of 'free' handsets may be included in the monthly bill or may mean higher call costs. Check the contract for hidden costs. Shop around and get advice.
- Work out if you can afford to pay the minimum monthly payment for the whole contract period. It is expensive and difficult to break the contract.
- The person who signs the contract is responsible for paying the bills. Read and understand the contract. If you don't understand it, don't sign.
- If your phone is stolen or lost you still have to pay the service contract.
- All calls are timed. So if you talk for ages or send a lot of messages your calls will be expensive. One way of making sure you don't end up with a huge bill is to get a pre-paid account.
- You have to pay for all the calls made on your phone. Don't lend your phone to anyone. You end up paying for their calls.

- Get an STD and ISD block on your phone so it can't be misused. Use the keypad lock too.
- If your phone is stolen, ring the telephone company immediately. You pay for all calls until the phone is reported missing.
- If you buy a second-hand phone make sure the simcard is unlocked. Some carriers charge to unlock simcards.
- If you want to take your phone to school, check if there is a policy about mobile phones first. Some schools don't allow students to carry mobile phones at school.

HEALTH

There has been publicity about possible health dangers from electromagnetic emissions (EME) from mobile phones. If you are concerned, limit your time on the phone and use a hands-free kit.

Before you buy a phone, check the EME level on the box. Some are higher than others. Talk to sales staff if you are concerned.

Help:

- Telecommunications Industry Ombudsman, complaints about bills, contracts, coverage and network faults, 1800 062 058 (freecall).
- Financial and Consumer Rights Council, 9663 2000. If you can't pay your mobile phone bill you can get free advice from a financial counsellor.
- See 'Getting legal help', p.59.

relationships

Sex

Having sex includes anything that puts a penis in contact with a vagina, anus or mouth. It also includes putting an object, or another part of the body into contact with a vagina or anus.

The law is the same for gay and straight people. There are age limits on when you are allowed to have sex. The law says if you are:

- **under 10** – no one can have sex with you (even if you agree).
- **10 to 15** – a person can't have sex with you if they are more than two years older than you (even if you agree). Exceptions to this are if the person believed you were 16 or older, or the person believed they were married to you.
- **16 or 17** – no one who is caring for you or supervising you (like a teacher, youth worker or foster carer) can have sex with you, even if you agree. Exceptions to this are if the person believed you were 18 or older, or believed they were married to you.

As well as the age limits, the law says that two people can't have sex unless they both agree. If you don't agree and someone threatens you or touches you sexually they are breaking the law (see 'Incest and sexual assault', p.32).

For organisations that give free and confidential advice, see 'Help', p.36.

Websites:

- Gay and Lesbian Switchboard – home.vicnet.net.au/~glswitch
- Family Planning – www.sexlife.net.au/1-5-5.html
- Somazone – www.somazone.com.au

Incest and sexual assault

Having sex with someone in your family, like your brother, sister, mother, uncle, father or grandfather is called incest. It is illegal whether you agree or not. It is still incest even if a person is not related to you by blood, but is a close family member like your stepfather. You can't have a sexual relationship with a de facto partner of your father or mother while you are under 18.

Sexual assault is behaviour of a sexual nature that makes you feel uncomfortable, frightened or intimidated. If someone touches you in a sexual way without your consent or forces you to take part in any sort of sexual activity against your will, this is a criminal offence. You can call the police.

For help, contact the services listed on p.36.

Getting married

You can marry without anyone else's permission once you turn 18.

If you are 16 or 17 you can only get married if:

- your parents or guardians agree,
- your boyfriend or girlfriend is at least 18, and

- a court agrees that your situation is special enough to make it right for the two of you to get married. Pregnancy may not be enough.

The court considers things like how long you have been together, how mature you both are, your financial situation and how independent you are from your parents. If the court agrees that you can marry, you have three months to do so.

You can't get married if you are under 16.

Help:

- Births, Deaths and Marriages, 1300 369 367.

Website:

- www.justice.vic.gov.au — follow the link to Births Deaths and Marriages.

Family breakdown

If your parents are splitting up, or have split up, things can be pretty tough and confusing. Sometimes things have to be worked out, like where you will live, which parent you will live with and what contact you will have with your other parent and brothers and sisters. The law says your 'best interests' are the most important thing, but working out what is in your best interests can be quite hard. It does not necessarily mean what you want, although this will always be taken into account, as will the needs of other family members.

As a general rule, the law says it is in your best interests to have contact with your parents, and your brothers and sisters. Just how and when this happens depends on your family's circumstances. The law also says that your parents are responsible for your financial support, as far as they can.

If your parents go to court to sort things out, the court will want to know if they have made suitable arrangements for you. You may be asked to talk to a counsellor or mediator about what you want, and how you are feeling about the situation.

CHILD REPRESENTATIVE

The Family Court might ask a lawyer called a 'Child Representative' to look into your situation and advise the court on what would be best for you.

To do this the Child Representative will talk to you and other people involved in your life, like your teacher or doctor. They will listen to what you want but may not follow your wishes. They should also explain how the system works and what will happen.

Help:

- Reconnect for free mediation, support and referral, 9611 2411.
- Kids Help Line, 1800 551 800 (24 hrs).
- Victoria Legal Aid, Youth Legal Service, 9269 0362.
- See 'Getting legal help', p.59.

Website:

- www.familycourt.gov.au – follow links to information for children.

Birth certificates

You can apply for a copy of your birth certificate, at any time. Contact Births, Deaths and Marriages, 1300 369 367.

Changing your name

You can't change your name until you are 18, unless your parents agree or you are married or divorced.

If you are 12 or over and your parents want to change your name, you have to agree before it can happen.

Application forms are available from Births Deaths and Marriages. It costs \$40 to make an application.

Help:

- Births, Deaths and Marriages, 1300 369 367.

Website:

- www.justice.vic.gov.au — follow the link to Births Deaths and Marriages.

Violence

There are many different types of violence including sexual assault and incest (see p.32), bullying (see p.11) and family violence. It can happen to you at any age. Violence can come from a complete stranger or from someone you know. Violence is more than physical abuse. It includes emotional abuse, like teasing, or threats.

Whether you experience it yourself or see it happen to other people, violence can have a very bad effect on you. It is important to know that you don't have to put up with violence of any kind. You have options. You can talk to someone you trust or one of the services listed below. You can also ring the police and take out an intervention order (see p.37).

Help:

- Victoria Legal Aid, Youth Legal Service, 9269 0362.
- Domestic Violence & Incest Resource Centre, 9486 9866, TTY 9417 1255.
- Women's Domestic Violence Crisis Service (24 hrs), crisis support and referrals to safe accommodation, 9373 0123 or 1800 015 188 (country).
- Centre Against Sexual Assault, 9349 1766 or 1800 806 292 (country).
- Centre for Adolescent Health, support and referral, 9345 5890.
- Kids Help Line, 1800 551 800 (24 hrs).
- 'Applying For an Intervention Order', a free booklet, phone 9269 0223.

Websites:

- Centre Against Sexual Assault — www.northern.casa.org.au
- legal advice — www.lawstuff.org.au
- Domestic Violence & Incest Resource Centre — www.dvir.org.au
- When Love Hurts — www.dvir.org.au/whenlove/index.htm
- Somazone — www.somazone.com.au

CHILD ABUSE OR NEGLECT

If someone believes that you need help for neglect or abuse, including physical, sexual and emotional abuse, they can tell the Department of Human Services (DHS). Some people (such as doctors, nurses, teachers, principals and police) must tell the department if they think a person under 17 is being sexually or physically abused, or is at risk of that abuse.

The department may take action to try to protect you from the neglect or abuse. Department officers may work with you and your family to sort things out. This may involve going to the Children's Court. Get legal help if you are unhappy with what the department is doing. See also 'Incest and sexual assault', p32 and 'Violence', p35.

Help:

- Victoria Legal Aid, Youth Legal Service, 9269 0362.
- Child Protection Crisis Line, 13 1278 (after hours).
- Child Protection Services, DHS, 9616 7777.
- State Ombudsman (for complaints about DHS), 9613 6222.
- 'Just In Case', a free book about the Children's Court, phone 9269 0223.
- 'Applying For an Intervention Order', a free booklet, phone 9269 0223.

GETTING A COURT ORDER

An intervention order is a court order that says a person must not harass or harm you – it may even say that they can't come near you. The police can arrest the person if they disobey the order.

If you have experienced violence from a family member, boyfriend or girlfriend, you can apply to a magistrate for an intervention order. You can also get an intervention order if someone is 'stalking' you. This order can be made against a wide range of people. If you are:

- **17 and older** – you can make a complaint in your own name.
- **14 to 16** – you can only complain in your name if the court allows you to, otherwise another adult or the police can make the complaint for you.

If you need an intervention order, you should get legal advice, see p.59.

health

Choosing a doctor

You have the right to choose your own doctor. In most cases your doctor must keep the things you discuss confidential, unless you allow otherwise. However, some doctors may not want to treat you without talking to your parents. Ask the doctor if they have a policy about this. If you don't agree with the policy, choose another doctor.

There are some things your doctor must report, like some infectious illnesses. See also 'Child abuse or neglect', p.36.

COMPLAINTS

If you feel you have not been treated well by your doctor, hospital or any health service, contact the Health Services Commissioner on 8601 5200 or 1800 136 066 (country callers).

Consenting to or refusing medical treatment

Except for immediate, life-threatening emergencies, a doctor must get your consent for any medical treatment. If you are under 18, how old you have to

be to consent to or refuse treatment is not always clear. These are the general principles:

- **Minor medical treatment** – like treatment for colds or acne. If you are mature enough to understand what the treatment is about, you have the right to consent or refuse.
- **More complicated treatment** – like abortion and contraceptive advice. You may still have the right to consent to, or refuse, treatment without your parents' consent. The doctor has to be satisfied that you understand the treatment and its consequences. The doctor must also believe that the procedure is in your best interests.
- **Some 'non-therapeutic' treatments (not involving illness)** – like sterilisation or gender changing operations. These may not be legal without court approval, even if you and your parents consent.
- **Complex treatment** – like treatment of eating disorders, refusal of a blood transfusion on religious grounds. You may not have the right to refuse such treatment, even if you fully understand the treatment and its consequences.

Some medical procedures done for cultural reasons, like clitoridectomy, are illegal and carry heavy penalties.

Your parents can only consent or refuse medical treatment on your behalf if you are not mature enough to make your own decisions. In this case, the decision must be made in your best interests.

If you, your parents and your doctor disagree about treatment, a court will need to decide what will happen. The court must consider what is in your best interests.

Getting a Medicare card

You will need to think about how you will pay for your medical treatment. Some doctors bulk bill under the government health system called Medicare. This means you will not have to pay.

In other cases you will have to pay, but can get some of the money refunded. You need to show your Medicare card or your parents' Medicare card when you go to the doctor.

If you are over 15, you can apply for your own Medicare card. If you are under 15 you need to use your parents' card. If you are 12 or older, Medicare will not give information about your treatment to your parents. However, if you use your parent's card they may find out that you have visited a doctor.

Contraception

If you are under 18 you may be able to get contraception, such as the pill, from a doctor. This depends on whether the doctor thinks you are mature enough to understand what you are doing and to use the contraceptive properly. Make sure you know your doctor's policy about privacy.

See 'Consenting to or refusing medical treatment', p.38.

There is no age limit on who can buy condoms and they are sold at most chemists and supermarkets.

Pregnancy

If you are pregnant it is important to know you have options. There are people you can talk to. A counsellor, nurse or doctor can help you think through your choices.

These can include:

- having an abortion (see below),
- going ahead with the pregnancy and keeping the baby,
- going ahead with the pregnancy and adopting out the baby.

Anyone you talk to about your pregnancy should not make judgements about your situation. Your decisions should be private. If you are not happy with the service, get a second opinion.

There is no minimum age for keeping your baby. What matters is your ability to support yourself and the baby, and to make sure the baby is safe.

FOR THE FATHER

Regardless of your age, you are legally responsible for supporting the child financially. If you can't do this because you are still at school and have no income, you may have to pay later when you can afford to.

If you are proved to be the father, you have to make Child Support payments until the child is 18.

Abortion

If you are considering having an abortion, get advice from a doctor early in your pregnancy. It is legal to have an abortion if a doctor thinks that having the baby would seriously endanger your physical or mental health. Your financial situation and your home life will be considered in deciding this.

There is no age limit on getting an abortion. You may be able to get an abortion without your parents' consent if the doctor thinks that you are mature enough to understand what you are doing.

Help:

- Action Centre, free and confidential information about sexuality, pregnancy, sex, contraception, family counselling, sexually transmitted diseases, 9654 4766 or 1800 013 952 (country).
- Centre for Adolescent Health, support and referral, 9345 5890.
- 'Paternity Testing', a free pamphlet about getting proof of identity of the father of a child, phone 9269 0223.

Websites:

- Family Planning – www.sexlife.net.au/1-5-5.html
- Somazone – www.somazone.com.au

out there

Tattoos & body piercing

The law says you can't be tattooed before you are 18, unless it is for medical purposes.

At present there are no age restrictions on when you can have your ears, or any part of your body, pierced. However, if you are under 18 some operators may ask for your parents' permission first. The law is likely to change soon to restrict body piercing.

Buying cigarettes

Until you are 18, no one is allowed to sell you cigarettes or tobacco, or buy them for you, or let you buy them from a machine on their premises. However, it is not against the law to smoke or carry cigarettes or tobacco if you are under 18.

Drinking alcohol

The law says you can't drink or buy alcohol until you are 18 unless:

- you are at your own house or someone else's house, or
- you are in a hotel or restaurant and you are having a meal with your parent, guardian or spouse (who is 18 or older).

You can only go into licensed premises, like a pub or club that sells alcohol, if you are with your parents, guardian or spouse (who is 18 or older) and you are having a meal there or you are staying the night.

The police or a staff member can ask for your name and address if you buy or have alcohol. They can take alcohol away from you if you are under 18 and they think it is illegal for you to have it.

Remember, if you are on L or P-plates, you are not allowed to drive if you have been drinking.

Drugs

Taking drugs prescribed for you by your doctor is not illegal. If you have to take prescription drugs at school, let your year level co-ordinator know.

There are many laws about illegal drugs. The four most common types of offences are using, possessing, trafficking or cultivating drugs of dependence.

Using

This includes smoking, inhaling fumes, injecting or swallowing a drug.

You can be charged if you admit to using. You can also be charged with introducing a drug into the body of another person if you admit to injecting someone else with a drug.

Possession

This means having a drug on you or in a house or property where you live.

This includes cannabis plants. You might also be charged with possession if drugs are found in a car you own or you are driving. A charge of possession can only be proved if you knew the drug was there.

TRAFFICKING

This usually means selling a drug, but it can include exchanging, agreeing to sell, or offering drugs for sale. You can also be charged with trafficking if you:

- sell or offer to sell a person a harmless substance they believe is a drug, or
- possess a 'trafficable quantity' of drugs. This amount is different for various types of drugs. Selling drugs to a friend could be trafficking.

Trafficking is a serious offence and the penalties can be very harsh.

CULTIVATION

This means growing a drug, like marijuana or opium poppies. It is an offence to plant, tend or harvest a 'narcotic plant'. Growing drugs to sell is considered trafficking (see above).

SYRINGES AND THE LAW

It is legal in Victoria to carry new and used syringes. Never carry drugs on you when carrying syringes or visiting a needle exchange. Even if drugs are not found on you, the police can still charge you if you admit to using drugs. Used syringes or traces of drugs can be used as evidence of using a drug of dependence.

Always flush syringes with water after using. This reduces the risk of infecting anyone else if they get a needle stick injury.

There are penalties for unsafe disposal of used syringes. Technically it is considered littering. If you throw syringes down toilets, on the streets or down drains they end up at sewerage plants or get washed up on the beach.

Don't put syringes in a container and then in the domestic rubbish. Syringes can injure garbo's who have to sort rubbish by hand.

For safe disposal, return syringes to a needle exchange or use public disposal units. Outreach needle exchange services collect used syringes and give you new ones. Contact DirectLine (24 hours), phone 9416 1818, or 1800 888 236 (free call) for your nearest exchange.

OVERDOSES

If you think someone has overdosed, call an ambulance immediately – phone 000 and say someone needs urgent medical attention. Tell the ambulance officers as much as you can, like what drugs the person took, when they collapsed and any other health problems like asthma.

Ambulance officers will not call the police. They will tell you how to look after the person until they get there.

Help:

- DirectLine, (24 hrs), support and referral, 9416 1818 or 1800 888 236 (freecall).
- 'Overdoses, The Law, Safer Injecting', a free pamphlet, phone 9269 0223.

Websites:

- Frontyard – www.frontyard.org/fy-drugs.htm
- legal advice – www.lawstuff.org.au
- Australian Drug Foundation – www.adf.org.au
- Somazone – www.somazone.com.au

Carrying a weapon

GUNS

The law says you can't own or buy a gun until you turn 18. You must register the gun and have a licence for it. There are strict rules for anyone wanting to own or carry a weapon.

If you are aged 12–17 you can get a permit for a gun from the police, but only for learning how to use a gun or for sport. You will only get a permit if:

- your parent or guardian agrees in writing,
- you have done a firearms safety course, and
- you are a responsible person.

If you get the permit, you can only use a gun with a person over 18 who has a shooter's licence.

Anyone can use an airgun or air rifle in a shooting gallery at a show or amusement centre.

OTHER WEAPONS

The law says you can't carry a weapon to hurt others or to defend yourself. You can't carry knives, like flick knives, daggers, butterfly knives or knuckle knives. You also can't carry weapons like nunchakus, knuckle-dusters, shanghais, blow guns, capsicum spray, slingshots, weighted or studded gloves, throwing stars or catapults.

You may use some weapons like a sword, large crossbow or imitation firearm if you use it safely and if you can prove you have a lawful excuse to use it.

A lawful excuse could include using the weapon for work, for sport or for a weapons collection, display or exhibition. Lawful excuse does not include self-defence.

If the police tell you they believe you are illegally carrying a weapon, they can search you and your car without a warrant (see p.53). If they find a weapon, they can take it off you.

DANGEROUS ARTICLES

The law says you can't carry an object that has been adapted for use as a weapon, unless you have a lawful excuse. Lawful excuse has the same meaning as above, but also includes self-defence. When deciding, the court will consider things like how threatened you felt, where and when the incident happened, and the type of object, as well as your age and experiences.

Security guards & bouncers

There are many different kinds of security officers with different roles and powers. They are all licenced by the Private Agents Registry, which is part of the Victoria Police.

Security guards in shopping centres and other public places are employed to make sure the public can use the facilities safely. In public places, like parks, they have the same powers as any other person. In privately owned places, like nightclubs, they can have wider powers depending on what the owners ask them to do.

Some places are both private and public, like shopping centres. You can question the powers of security guards if you believe they are being over the top.

WHAT SECURITY GUARDS CAN AND CAN'T DO

- If a security guard sees you doing something that is not allowed in that area, like smoking or riding a bike in a shopping centre, they can ask you to leave. If you refuse, they can remove you from the premises using reasonable force.
- A security guard can arrest you if they see you committing an offence. (This is the same as a 'citizen's arrest'.)
- A security guard can ask to search your bag. They can only search your bag if you give them permission. You can refuse. You can also withdraw your permission at anytime during the search.

A security guard can't:

- use excessive force,
- arrest, detain or question you on a suspicion you have committed an offence,
- ask you to leave an area because of your age (unless it is a legal requirement, like at a pub), race, mental illness, disability or because you may be gay or lesbian.

COMPLAINTS

The Private Agents Registry investigates complaints about security guards, crowd controllers or security companies. If the registry finds that the guard has behaved in an 'unfair, dishonest or discreditable' way, they can cancel or suspend their licence.

Send your complaint to PO Box 415, Melbourne 3005 or phone 9247 3737.

You can also complain to the:

- local police,
- shopping centre management,
- security firm who employs the guard,
- Ombudsman, 9613 6222 or 1800 806 314 (country callers),
- relevant industry association. Security companies have a code of practice they must follow. Find out which association the company belongs to and make a complaint. The Australian Security Industry Association covers most companies. Phone them to check if the company is a member, on (02) 9906 4780.

Get legal advice before you make a complaint, see p.59.

the legal system

Being taken to court

BY THE POLICE

You can be taken to court for committing a crime once you are 10. If you are under 17 when you committed the crime and are still under 18 when the case goes to court, you will go to the Children's Court, otherwise you will go to the Magistrates' Court.

BY SOMEONE ELSE

You can be sued by someone if you have hurt them or caused them to lose money because of something you have done. But you will only be held responsible if, at your age, you should have known what you did would cause that damage or loss. A person under 18 can only sue another person by getting an adult (usually their parent or guardian) to do it on their behalf.

BY THE DEPARTMENT OF HUMAN SERVICES

If the department thinks you are unsafe because your parents don't or can't look after you, you may be taken to the Children's Court.

This is a welfare case, not a criminal case, so you are not in trouble. You will go to the Family Division of the court, rather than to the Criminal Division (see 'Leaving home', p.18).

Help:

- Victoria Legal Aid, Youth Legal Service, 9269 0362.
- 'Just In Case', a free book about the Children's Court, phone 9269 0223.
- See 'Getting legal help', p59.

Police

When dealing with the police it is important to try to stay calm and polite. Don't resist or be abusive or violent. Be firm about your rights.

SPEAKING TO THE POLICE

Anything you say to the police, no matter when or where you say it, might be used by them. There is no such thing as 'off the record'. The police may use what you say to decide whether or not to arrest or charge you or it might be used against you in court. You have the right to remain silent. You don't have to answer questions, except those about your name and address (see below). Don't answer some questions and not others. If you decide to make no comment to the police, stick with it for every question.

NAME AND ADDRESS

You must give your correct name and address if asked by the police. The police will ask for these details because they believe:

- you have broken the law,

- you are about to break the law, or
- you are able to help them with information about an indictable (serious) offence.

The police must tell you why they want your name and address. If they do not give you a reason, you should ask for it.

The police can demand your name and address without giving a reason if:

- you are driving a car, motorbike, boat or push bike,
- you are on the tram, train, bus or on public transport property.
Remember, public transport officers can also ask for your name and address,
- you are in a hotel or licensed premises. Remember, staff can also ask for your age.

It is a criminal offence to refuse to give your name and address, or to give false details to police or public transport officers. The police must also tell you their name, identification number, police station and rank, if you ask. You can ask for these details in writing.

SEARCHES

Police have the right to search you at any time in a public place if they believe you may be carrying illegal drugs, stolen goods or firearms. The search can be done in any public place including a shop, at the train station, on public transport, in a hospital or welfare centre. The police can only search you at school if the principal agrees.

If the police search you, they can also search anything you are carrying and the car you are travelling in.

The police can search you if you are in custody or under arrest if they believe you are carrying a weapon, or to take things from you that could be used as evidence. Women must be searched by female police officers and men by male police officers.

There are three types of personal searches:

- **Pat-down search** – police use their hands to feel over the outside of your clothes. They may also ask you to empty your pockets or remove your jacket or hat. These searches can be done in public or private.
- **Strip search** – the removal and search of all clothing. These searches must be done in a private place, usually at a police station.
- **Internal body search** – only doctors can do these. The doctor must be the same sex as you. You have the right to refuse a police request for an internal body search. If you do, the police must get permission from the court to go ahead.

POLICE QUESTIONING

If the police have arrested you or taken you into custody, before any formal questioning begins they must let you telephone a lawyer from a private space. Private space means somewhere that the police can't hear you.

The police must also let you telephone a friend or relative from a private space. However, they don't have to allow this if it is a drink driving matter or they believe that during this time:

- someone else involved in the crime might get away,
- some evidence may be lost or tampered with, or
- other people may be in danger.

If you are **under 17** the police must not formally question you unless your parents or guardian are there, unless you don't want them there. If they are not available, the police must arrange for an independent person to be with you during questioning.

The independent person is there to make sure you and the police understand each other and that you understand your rights. They don't give legal advice. Either you or the police can suggest who will be the independent person.

If an independent person is not with you during questioning, the information you give the police can't be used as evidence in court.

While you are waiting to speak to your family, lawyer, independent person or interpreter, you should refuse to answer any questions after giving your name and address.

Note: If someone else involved in the crime might get away or a delay may cause danger to other people, the police don't have to wait for a parent, guardian or independent person to arrive before questioning you.

FINGERPRINTING

There are different rules depending on your age:

- **15 years and older** – In most situations you have to let the police take your fingerprints if they believe you have committed an offence. This is not the case in some minor offences such as jaywalking and littering.
- **15 or 16** – Your parents, guardian or an independent person must be with you when the police ask to take your fingerprints. They must also be there if your fingerprints are taken.

If you refuse to give your fingerprints, the police can use 'reasonable' force to get them. Reasonable force means the police may physically restrain you and take your fingerprints. If you are 16 or younger, this must be video or audio taped.

- **10 to 14** – You and your parents or guardian must agree before you can have your fingerprints taken. You don't have to agree to this. If you or your parents or guardian refuse fingerprinting, the police have to get permission from the Children's Court.
- **Under 10** – The police are not allowed to fingerprint a child under 10 years of age.

Your fingerprints must be destroyed if you are not charged within six months or are found not guilty. They must also be destroyed if you don't re-offend before turning 26 unless you were charged with a serious offence like murder, assault or rape. You can check with the police to make sure that it has been done.

FORENSIC PROCEDURES

A forensic procedure is a physical examination. Some forensic procedures involve taking 'intimate' body samples, like blood, pubic hair, anal, genital or breast swabs, saliva, and mouth or dental impressions.

A qualified doctor or dentist must carry out these procedures. The police must tell you beforehand that you don't have to answer any questions asked by the doctor or dentist.

The police can take 'non-intimate' body samples from you, like hair, fingernail or toenail scrapings and some external body swabs.

Depending on your age, different rules apply if the police want to get body samples:

- **17 years and older** – You don't have to agree to give body samples. If you refuse, the police can apply to a court for permission to take a sample.
- **10 to 16** – Police can only take a body sample if they get a court order. A parent, guardian or independent person must be with you if a body sample is taken.
- **Under 10** – Police can't take a body sample under any circumstances.

You should always get legal advice before agreeing to give any blood or a body sample.

COMPLAINTS

If you want to make a complaint against police, do it quickly. Get legal advice first, especially if you have been charged with an offence. If you are injured, go to a doctor immediately.

Help:

- Alphaline (24 hrs), emergency legal advice, 9419 7427.
- Victorian Aboriginal Legal Service (24 hrs), for Koori people, 9419 3888 or 1800 064 865 (country).
- Victoria Legal Aid, Youth Legal Service, 9269 0362.
- 'Police Powers', a free booklet, phone 9269 0223.
- See 'Getting legal help', p.59.

Victims of crime

No matter how old you are, if you have been injured, or have lost property or money as a result of a crime you may be entitled to financial help or compensation.

Help:

- Victims of Crime Assistance Tribunal, 9628 7855 or 1800 882 752 (freecall).
- Victims Referral & Assistance Service, 9603 9797 or 1800 819 817 (freecall).

getting legal help

There are lots of ways to get help with a legal problem. The following organisations can help:

- Victoria Legal Aid, 9269 0234 or 1800 677 402 (country). This service is provided in English and 12 other languages.
- Youthlaw, 9611 2412, email: info@youthlaw.asn.au
- Youth Advocacy & Legal Service, 9794 5428 or after hours 0418 336 482, email: c.windisch@bigpond.com

Websites:

- legal advice — www.lawstuff.org.au
- legal information — www.legalaid.vic.gov.au

If you live in the country there are local organisations that may be able to help you. Contact your local community information centre, community health centre, youth worker or school counsellor. You can also look in the front section of your telephone book under 'Community Services'.

Lawyers

No matter how old you are, you can go and see a lawyer if you think you have a legal problem or you need legal advice. A lawyer will listen to you and give advice about the best way of handling things. It is up to you whether you take that advice or not.

If you have to go to the Children's Court, a lawyer may be able to go with you and speak on your behalf. Always try to see a lawyer before going to court. A lawyer's job is to help you present your case in the best possible way. The lawyer is not in charge of how you run your case. You are.

The information you give the lawyer is confidential. They can not tell anyone else your information, unless you allow them to.

Lawyers who act as a Child Representative in the Family Court have a different role (see p.34).

COMPLAINTS

If you are not happy with the service you are getting from a lawyer you can complain to the Legal Ombudsman, 9642 0655 or 1800 357 772 (country callers).

Read more

Victoria Legal Aid publishes free booklets about the law. Call 9269 0223 to order copies.

- 'Right a Wrong' – how and where to make a complaint.
- 'Your Day in Court' – for people going to court for a minor offence.
- 'The Road to Court' – for people going to court for a traffic offence.

- 'On the Spot' – a guide to infringement notices and the PERIN system.
- 'You and Family Law' – a booklet about separation and divorce.
- 'Do You Have a Legal Problem?' – about legal aid services.
- 'Getting Help at Court' – about Victoria Legal Aid's Youth Legal Service.

You can also visit the Victoria Legal Aid library to find out more about the law. Phone 9269 0232.

Notes



Victoria Legal Aid offices

MELBOURNE

350 Queen Street
9269 0234

BAIRNSDALE

101A Main Street
5153 1975

BENDIGO

424 Hargreaves Street
5441 1155

BROADMEADOWS

1100 Pascoe Vale Road
9302 2388

DANDENONG

9-11 Pultney Street
9791 5522

FRANKSTON

Cnr O'Grady Ave & Dandenong Road
9784 5222

GEELONG

48 Brougham Street
5229 2211

MORWELL

Cnr Chapel & George Streets
5134 8055

PRESTON

42 Mary Street
9478 8844

RINGWOOD

23 Ringwood Street
9879 5500

SHEPPARTON

36-42 High Street
5823 6200

SUNSHINE

1/474 Ballarat Road
9311 8611