

YOUTH LAW MATTERS

A LEGAL GUIDE FOR
YOUNG PEOPLE

ACKNOWLEDGEMENTS

Youth Law Matters is a legal information handbook for young people, published by Legal Aid ACT.

Contributors

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- Clayton Utz
- King and Wood Mallesons
- Legal Aid NSW
- Youth Law Centre ACT

Currency

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Disclaimer

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FOREWORD

Legal Aid ACT recently celebrated 40 years of service, delivering legal assistance to vulnerable and disadvantaged people in the ACT community. This milestone has provided an opportunity for reflection, and to take note of the ways in which the needs of our community have changed over the years.

Young people today are struggling to identify and take action on a multitude of legal problems. These legal problems are not limited to the more widely known employment problems or underage drinking. Young people are experiencing debt; homelessness; discrimination; becoming parents; encountering the police and the criminal justice system. There is an identified gap in the legal information available to young people. 'Youth Law Matters', formerly known as 'When Can I?' started as a strategy in 1997 to address this gap, and remains as relevant today as it did then.

'Youth Law Matters' is a comprehensive publication intended to help young people identify legal problems, better understand their legal rights, and be connected with services ready to help when they need it. This edition will be available as an electronic document and will be distributed online and shared on the Legal Aid ACT and Youth Law Centre ACT Facebook pages. In this electronic format, 'Youth Law Matters' will be available to any young person with an internet connection whenever they need it most.

The Youth Law Centre ACT is an integral service within Legal Aid ACT. Our aim is to engage and address the needs of young people. It is our hope that youth-focused publications such as this one can empower young people to take action and seek the help of vital youth-focused legal services like the Youth Law Centre ACT.

'Youth Law Matters' is an important publication in the contribution it makes to the lives of young people and it is wonderful to see that it has remained a staple within the community legal education work of Legal Aid ACT. Through this publication and the work of the Youth Law Centre ACT, Legal Aid ACT can continue to respond to the growing and shifting legal needs of young people in our community.

John Boersig
CEO Legal Aid ACT

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INTRODUCTION

What is this handbook for?

Youth Law Matters was created to help you understand some of the laws that are about young people and can affect you.

It aims to help by providing:

- A quick source of information on common legal issues affecting young people in the ACT, including school, work, income support, safety, sex, police, drugs, cars, debt and consumer problems; and
- A list of services and websites you can use to get further information and help.

Feedback and Comments

We would love to hear your feedback or comments on this publication. For example, have we left out a legal issue? Should we give more detailed information about a certain topic?

If you let us know what you think, we'll be able to make improvements for the next edition. Please email community.education@legalaidACT.org.au or phone 02 6243 3411.

Finding out about the legal system - it's not as hard as you think!

Looking through this handbook is a great way to begin learning about the laws and legal processes that affect you. Keep looking into these issues – the more you know, the easier it is to participate in decisions that affect you.

'Youth Law Matters' has references to youth services, websites and phone numbers that young people can use to get more information.

There are lots of websites out there with useful information, including:

Legal Aid ACT	www.legalaidACT.org.au
Youth Law Centre ACT	www.legalaidACT.org.au
Lawstuff	www.lawstuff.org.au
ACT Legislation Register	www.legislation.act.gov.au
Family Court of Australia	www.familycourt.gov.au
NSW Law and Justice Foundation	www.lawfoundation.net.au
Public Interest Advocacy Centre	www.piac.asn.au

Legal Information and Advice

If you have a legal question, or want some advice on a particular situation, then you can easily access some free and confidential services.

Legal Representation

You may need a lawyer to represent you if you have to go to court, or are dealing with a legal issue over a long period.

Young people go to court for different reasons, including being charged with a crime, family law proceedings, and care and protection matters. Sometimes they need to talk to a lawyer to organise things like car accident claims, employment disputes, or sexual harassment complaints.

WHEN CAN I?

This Handbook is meant to be a general guide only. If you have questions it is a good idea to get advice about your particular situation.

For free and confidential information about any of these issues, contact:

Youth Law Centre ACT	www.legalaidact.org.au	6173 5410
Legal Aid ACT	www.legalaidact.org.au	1300 654 314

Any age

- Make a complaint;
- Get legal advice;
- Open a bank account (with a parent or guardian's consent);
- Talk to a counsellor;
- Get a tattoo (with a parent or a guardian's written consent);¹
- Buy condoms (they are free from most Family Planning clinics);
- Visit a doctor or Sexual Health and Family Planning ACT with a parent or carer.

10 years old

- Be charged with a crime. However, the law presumes that a person under 14 cannot be convicted of an offence unless the child understood what they did was wrong.

¹ Children and Young People Act 2008 (ACT) s 877.

14 years old

- See a doctor or visit Sexual Health and Family Planning ACT by yourself.

15 years old

- Leave school (as long as you participate in full-time training or employment until completing Year 12 or equivalent, or turn 17);
- Get a Medicare card;
- Get a job (as long as this does not affect your education if you are still enrolled in school);²
- At 15 years and 9 months old, apply for a Learner driver's licence (L-plate) to drive a car;
- Apply for a Centrelink payment;

16 years old

- Have sex (as long as both people are over the age of 16 and give consent);
- Get a prescription for contraceptives (eg. birth control pill);
- Apply to ACT Housing for a place to live;
- Apply for Youth Allowance at Centrelink;
- Open a bank account (without your parent or guardian's consent);
- Get married (with the court's permission);
- Consent to a medical procedure without parental permission.

17 years old

- Apply for a provisional driver's licence (P-Plates);
- Leave school without needing to participate in full time training or employment.

18 years old

- Change your name (without your parent or guardian's consent);
- Get a tattoo (without your parents or guardian's permission);
- Buy alcohol, tobacco and cigarettes;
- Get married;
- Enter into a civil partnership;
- Vote in elections and stand for Parliament;
- Sign contracts;
- Go into a licensed venue (pub, club etc);
- Make a will;
- Enter a casino or gamble;
- Be sent to an adult prison.

² Ibid s 782(b).

THE AUSTRALIAN LEGAL SYSTEM

The Australian legal system was created by the Constitution on the 1 of January 1901. There are two main features of this legal system: Federalism and the Separation of Powers.

Federalism

Federalism comes from the United States and is one of the most important ways we stop the Government exercising too much power. In a nutshell, no matter where you are in Australia there are two Governments that look after you – your State/ Territory Government and the Federal Government. For example, if you are in Ballarat, the Victorian Government and the Federal Government look after you. If you are in Tathra, the New South Wales Government and the Federal Government.

Separation of Powers

Separation of Powers means Government functions are divided into three parts:

- The power to make laws – the Legislature (Parliament)
- The power to use those laws to make decisions - the Executive (the Queen, the Governor General, the Prime Minister and the Cabinet)
- The power to determine rights and duties, and to judge and punish criminal guilt – the Judiciary (Courts).

In Australia, the Courts protect this balance by resolving disagreements that come up

The Legal System in the ACT

The law in Australia can be made in two different ways: court cases and legislation. The laws from cases are the decisions of judges in a Court. The laws from legislation, or statutes, are the Acts passed by Members of Parliament, or the Legislative Assembly.

Commonwealth legislation is created by 'Federal Parliament', and applies throughout the whole of Australia. Each State also has its own 'State Parliament'. The Northern Territory and the ACT each has a 'Legislative Assembly'. These parliaments can pass legislation. This legislation only applies in its own State or Territory.

Because of this, some laws are different between States and/or Territories. For example, laws about public housing, drugs, police powers, child protection and domestic violence orders vary greatly from State to State/Territory and the laws in the ACT can be different to those in NSW.

So just be aware that this handbook talks about the laws in the ACT. If you go into NSW (even just across to Queanbeyan) things might happen very differently.

Courts and the Law

You have probably heard about the terms civil, criminal and public law.

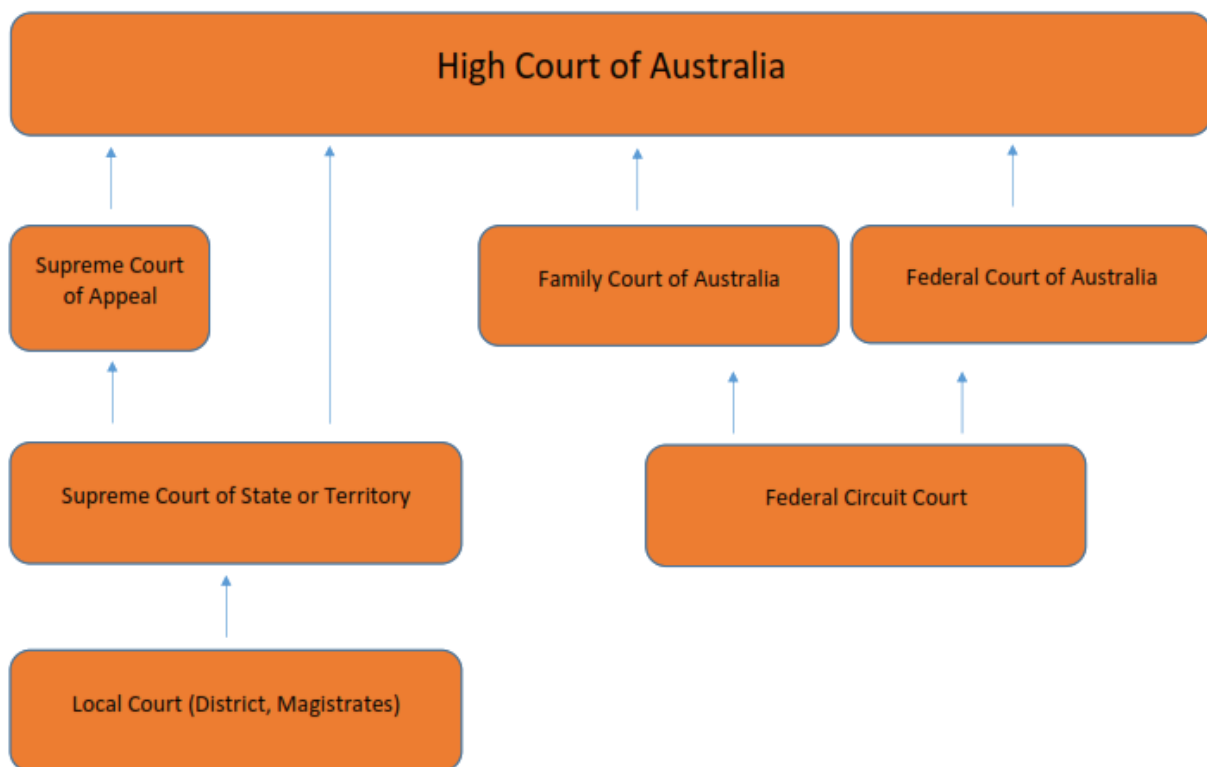
Civil law involves any disagreement between people or companies so can sometimes be called 'private law'. Examples are if someone hurts you in a car accident, a fencing dispute with a neighbour, or a mining company losing money because a shipping company was late. In all of these cases, the people "hurt" can go to Court and ask for money as compensation. This is called seeking damages.

Criminal law is where the police charge someone with a crime and a Court decides if they should be punished. This could involve a fine or jail. Criminal law is between the accused person and the Department of Public Prosecutions. Examples include stealing property and deliberately hurting other people.

Public law involves a dispute about the actions of Government. Examples include if someone's house is compulsorily acquired or if a Minister cancels someone's visa.

In all of these cases, a judge of a court will listen to both sides of the story, look at the facts (evidence) and make a decision that both parties have to follow. It is possible to have higher Courts in Australia review the decision by having an appeal. This could be from a local court to a Supreme Court (the highest court in a State or Territory), from a Supreme Court to a Court of Appeal, or even from a Court of Appeal to the High Court of Australia.

People will likely need a lawyer to represent them in Court.



What do Lawyers do?

Lawyers have training that makes them able to research the law, write legal documents and comfortably appear in Court.

Lawyers are able to listen to a problem and work out which problems are legal and social. They can also help you to access other services that can help such as financial counselling, mediation and social workers.

‘Lawyer’ is a general term. Barristers and solicitors are also lawyers.

Do you need legal help?

There are many legal services that are here to help you with the process of identifying and resolving your legal issues. This document is a good place to start to find the right service to help you.

If you have been arrested, served with a notice to attend court, have committed a crime, or feel you have been harmed physically, financially or even maybe treated unfairly by someone, it can be worth talking to a lawyer as soon as possible.

ALCOHOL AND DRUGS

Alcohol

You must be 18 or older to buy alcohol or to drink alcohol in a public place including pubs, clubs and nightclubs. You are not even allowed to carry alcohol if you are under 18. You may be fined up to \$750 if you are found guilty of any of these offences.³

If you are under 18 you must not go into the adults-only area of a location where alcohol is being served, unless accompanied by a parent or a person who would be able to supervise your visit to that area. If you are under 18 and you go into a place where alcohol is served without a responsible adult you can be fined up to \$750.⁴

The Police can charge a person with an offence if they buy or supply alcohol for a person under 18.⁵

It is against the law to drink alcohol, or have an open bottle or can of alcohol, in a place where the ACT Government has banned public drinking, regardless of your age. Some of these places include within 50 metres of a bus interchange, within 50 metres of a shop or licensed premises or at a place that has been declared alcohol free, like the Summernats.⁶

It is against the law to give alcohol to someone under the age of 18 in a private place (such as at home) unless:

- The person supplying the alcohol is a parent or guardian, or has the permission of the parent or guardian; and
- There is reasonable supervision of the person under 18.⁷

3 Liquor Act 2010 (ACT) ss 202, 206.

4 Ibid s 121.

5 Ibid ss 110 – 112, 204.

6 Ibid s 199.

7 Ibid s 204A.

What will happen if I am caught drinking underage?

A police officer or an inspector from the Liquor Licensing Board can ask you to prove your age. You can use a Driver's Licence or a Proof of Age Card to prove that you are 18 or over. Police officers and Liquor Licensing Board inspectors are allowed to ask this type of information, and take away from you any alcohol that you are drinking or have in your possession.

You may be taken to a police station if you can't or won't provide ID showing that you are over 18. You can also be taken to a police station if you lie about your age or give a fake ID.

At the police station you will either be let off with a warning or charged with an offence. If you are given a warning, but are caught committing the same offence within the next 12 months, you are likely to be charged and taken to court.

If you are caught using a fake ID to enter an adults-only area, you may be charged up to \$750.⁸ If you are caught using a fake ID to buy alcohol, you may be charged up to \$750.⁹

If you don't give your real name, age and address to a police officer you can be fined up to \$500.¹⁰

You should remember that anything you say to an inspector or a police officer can be used in court.

If you think that you have been mistreated, you should contact the Commonwealth Ombudsman.

8 Ibid s 122.

9 Ibid s 203.

10 Crimes Act 1900 (ACT) s 207.

Youth Law Centre ACT	www.legalaidACT.org.au	6173 5410
Legal Aid ACT	www.legalaidACT.org.au	1300 654 314
Commonwealth Ombudsman	www.ombudsman.gov.au	1300 362 072
Directions ACT	www.directionsact.com	6122 8000
Alcohol and Other Drugs Program	www.health.act.gov.au	6207 9977

Cigarettes

You can't buy cigarettes until you are 18 years old.¹¹

If you are under 18 it is illegal for someone to sell you cigarettes or tobacco.

It is also illegal for someone to let you buy cigarettes from a vending machine or for someone to buy them for you.¹²

Quitline	www.quitnow.gov.au	13 78 48
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Other Drugs

The law separates drugs into two categories:

- Controlled drugs - including amphetamines/speed, MDMA/ecstasy, ice, cocaine, and heroin; and
- Prohibited substances - including cannabis (marijuana) - cannabis offences are different to other drug offences in the ACT.

¹¹ Tobacco and Other Smoking Products Act 1927 (ACT) s 14.

¹² Ibid s 15.

Controlled Drugs

The main offences for controlled drugs (including speed, ecstasy, heroin, cocaine and ice) are:

Trafficking

- 'Trafficking' includes possession, selling, preparation, transporting or concealing drugs;
- This means you can be charged with trafficking even if you never touched or saw the drugs. For example if you were responsible for guarding the transportation of drugs;
- Penalties include heavy fines and imprisonment. The maximum penalty for trafficking in a commercial quantity of a controlled drug is \$375,000 in fines, up to 25 years imprisonment or both.¹³

Supply

- Selling drugs, or possessing, preparing, transporting or hiding drugs with the intention of selling them, or with the belief that someone else intends to sell them;
- Supplying a small amount of a drug (such as one ecstasy tablet or 1g of heroin) carries the maximum penalty of \$75,000 in fines, 5 years imprisonment or both;¹⁴
- Supplying larger quantities of a drug carries the maximum penalty of life imprisonment.

Possession

- 'Possession' means having drugs on your premises (such as at home, school or at work) or on your body (such as in your pocket or bag) and it can be shown that you have physical control over the drugs;
- The maximum penalty is \$7,500 or 2 years imprisonment or both.¹⁵

Administration to Others

- Injecting someone with a drug or putting a drug into another person's mouth (unless you are a doctor, pharmacist, nurse or midwife). For example, spiking someone else's drink;
- The maximum penalty is \$15,000 in fines or 1 year imprisonment or both.¹⁶

13 Criminal Code 2002 (ACT) s 603(3).

14 Drugs of Dependence Act 1989 (ACT) s 164.

15 Ibid s 169(1).

16 Medicines, Poisons and Therapeutic Act 2008 (ACT) s 37.

Cannabis (Marijuana)

The main cannabis (marijuana) offences are different to the other 'controlled drug' offences. Having, selling and using cannabis is a criminal offence. It is really important to understand that cannabis is not legal in the ACT. It is what we call 'decriminalised'. This means that the offences may not be as harsh, but it is still illegal.

The Police can fine and charge you if you have dried cannabis weighing 50g or less in your possession.¹⁷ If you are issued an on the spot fine (Simple Cannabis Offence Notice), are not charged, and you pay the fine on time, it will not go on your criminal record. If you are charged, you will go to court and may get a criminal record and a fine as well.

Use of Cannabis

- Using cannabis is a criminal offence;
- If you have less than 50 grams of cannabis, the penalty may be a fine of \$150;¹⁸ and
- The Police still have the discretion to make a formal charge. This means that they can decide whether or not to charge you for the use of cannabis.¹⁹

Cultivation

- 'Cultivation' means growing, nurturing, guarding or harvesting cannabis plants, or paying someone else to do these things;²⁰
- For cultivating 1-2 cannabis plants for personal use the maximum penalty is a \$150 fine (the Police still have the discretion to make a formal charge). This means that they can decide whether or not to charge you for cultivating cannabis;²¹
- For cultivating 3 or more plants for personal use, or any number of hydroponically grown cannabis plants, the maximum penalty is 2 years imprisonment, \$30,000 in fines, or both;²² and
- The penalties for cultivating plants with the intention to sell them or any of their products, or with the belief that someone else intends to sell them or their products, includes the possibility of life imprisonment.²³

17 Drugs of Dependence Act 1989 (ACT) s 171(1).

18 Ibid s 171(1).

19 Ibid s 171A(1)

20 Criminal Code 2002 (ACT) s 615.

21 Drugs of Dependence Act 1989 (ACT) ss 162, 171A.

22 Criminal Code 2002 (ACT) s 618(2).

23 Ibid s 616.

Supply and Trafficking

- 'Trafficking' is where a person sells, possesses, prepares, transports or conceals drugs with the intention of selling them, or with the belief that someone else intends to sell them;²⁴
- Trafficking of less than 300g of cannabis carries a maximum penalty of 3 years imprisonment or \$45,000 in fines or both;²⁵
- Trafficking of 300g or more of cannabis carries a maximum penalty is 10 years imprisonment or a \$150,000 in fines or both;²⁶ and
- Higher penalties apply for trafficking in higher quantities of cannabis.

Possession

- For less than 50g, the maximum penalty may be a \$150 fine (the Police still have the discretion to make a formal charge);²⁷ and
- For more than 50g, the maximum penalty is \$7,500 in fines, 2 years imprisonment or both.²⁸

Administration to Others

- This is not the same as supply. It means administering someone with a drug such as by putting the drug into another persons' mouth (unless you are a doctor, pharmacist, nurse or midwife).
- Maximum penalty is 1 year imprisonment, \$15,000 in fines or both.²⁹

Laws about cannabis are very different from State to State/Territory. The laws in the ACT in particular are very different to the laws in NSW. If you travel outside the ACT, even just over the border to Queanbeyan (NSW), you can be charged with a serious criminal offence if you have any cannabis in your possession. This is because when you enter NSW, the NSW laws apply.

24 Ibid s 602.

25 Ibid s 603(8).

26 Ibid s 603(5).

27 Drugs of Dependence Act 1989 (ACT) s 171(1)(a).

28 Ibid s 171(1)(b).

29 Medicines, Poisons and Therapeutic Act 2008 (ACT) s 37.

Youth Law Centre ACT	www.legalaidACT.org.au	6173 5410
Legal Aid ACT	www.legalaidACT.org.au	1300 654 314
Alcohol and Other Drugs Program	www.health.act.gov.au	6207 9977
Directions ACT	www.directionsact.com	6132 4800
National Drug and Alcohol Research Centre	www.ndarc.med.unsw.edu.au	9385 0333

Dealing with a Drug Overdose

Call an ambulance immediately. Saving someone's life is the most important thing. Ambulance officers will not call the police for a drug overdose unless they feel physically threatened.

Emergency (Ambulance)		000
Healthdirect Australia (24 hour health advice line)		1800 022 222
St John Ambulance	www.stjohnact.com.au	6282 2399
Australian Red Cross	www.redcross.org.au	6234 7600

CARS AND DRIVING

Driver's Licence

At age 15 years and 9 months, you can apply for a learner driver licence and L-plates.³⁰ First you need to complete the Road Ready Program, through your school or a Road Ready Centre and pass the Road Rules Knowledge test.

Someone with a full car licence has to supervise your driving while you have a learner driver licence and you must display your L-plates when you drive.

At age 17 you can apply for a provisional driver licence provided that you are the holder of Learner driver permit for a period of at least six months.³¹ You can get your provisional driver licence by passing a practical driving test, or through Competency Based Training and Assessment Scheme (the logbook system).

A provisional driver licence lasts for 3 years. You must display your P-plates for the whole period, unless you complete the Road Ready Plus Course.

Road Ready (RTA)

www.roadready.act.gov.au

6109 0152 (Phillip)
6162 5152 (Watson)

Motorbike Licence

You can apply for an ACT Motorcycle Learner Licence once you are 16 years and 9 months old.³² You must complete a Pre-Learner training course through Stay Upright. You are also required to complete the Road Ready Program and to pass the Road Rules Knowledge test.

You must display your L-plates anytime you drive a motorbike. There are some restrictions while you are on your learner licence, like not being able to carry a pillion passenger. To get an ACT provisional Motorcycle Licence you have to be at least 17 and have had your motorcycle 'L' plates for at least 3 months.³³

³⁰ Road Transport (Driver Licensing) Regulation 2000 (ACT) reg 16(4).

³¹ Ibid reg 28(2)(b).

³² Ibid reg 16(3).

³³ Ibid reg 28(2)(a).

You need to complete a formal provisional riding assessment through Stay Upright.

You can get your full licence after you have had your provisional licence for at least 3 years.

Stay Upright

www.stayupright.com.au

6297 1144

Car Accidents and Insurance

If you are involved in an accident, you should always exchange contact details (name, telephone number, insurance details) with the other driver, if possible. You should also take photos as evidence. By law you must report the incident to police within 24 hours of the accident if there are no injuries to anyone or if the car is drivable. In the ACT you can make this report online, which usually takes around 15 minutes. If you report online, you do not have to go to the police station to report the accident. If the form is not available online, you can contact Access Canberra on 13 22 81 for help.

If you seriously damage someone else's car and/or injure someone because of your driving you must let the police and emergency services know as soon as possible.

Car insurance is expensive, but it is really worth thinking about. If you have an accident and are not insured, you may lose your car and you will still have to pay back any money you borrowed to buy the car. You may also have to pay for damage to the other person's property if you were at fault.

Third party personal injury insurance - is a compulsory insurance that is paid when you register your car. It is sometimes called a 'Green Slip' or 'CTP insurance'. This type of insurance covers for you the costs associated to injuries sustained by other people if you cause an accident. If you have been injured, you will need to fill in a Motor vehicle accident notification form and a motor accident medical report and let the CTP provider know within 28 days of the accident. You are still able to report the incident after 28 days however you will be required to fill in an additional form.

Third party property insurance - covers the damage to other people's property if you cause an accident. If you have third party insurance, you should let your insurance company know about the accident.

Comprehensive car insurance - covers not only damage to other people's property, but damage to your own vehicle if you cause an accident.

If your car is damaged or you are injured in an accident, and someone else caused it, you might be entitled to compensation. If this applies to you, it is a good idea to get legal advice. The Youth Law Centre ACT at Legal Aid ACT is a free legal service that can give you advice.

If you receive letters or phone calls from another person’s insurance company after a car accident, you should get legal advice or contact your insurance company before responding to them.

Youth Law Centre ACT	www.legalaidACT.org.au	6173 5410
Legal Aid ACT	www.legalaidACT.org.au	1300 654 314
AFP Crash Report	form.act.gov.au/smartforms/landing.htm?formCode=1021	

Stolen cars or encumbrances

Before you buy a car, you can check if it is stolen or there is any money owing on it by contacting the Register of Encumbered Vehicles (REVS).

If you find out that you have bought a stolen car you cannot keep the car. It will be returned to its original owner.

If the car has an ‘encumbrance’, you could lose the car even after buying it. An ‘encumbrance’ means that money is owed on a loan for or relating to the car.

If you do a REVs check, and it says there is no encumbrance, there is an option for you to get a certificate (which costs money). This certificate will protect you from losing the car as long as you own the vehicle. If there is an encumbrance you should not buy the car until you have confirmation that the encumbrance has been lifted.

To do this check, you will need to have the vehicle identification number (VIN). Please make sure the VIN number is the same on the car as on the paperwork. If they are not the same, it is smart to seek a check from the VIN number at an Authorised Unregistered Vehicle Inspection Station (AUVIS), which costs money. If they are not the same, something dodgy may be happening.

You are not legally responsible for an accident if your car was in an accident and it was stolen (used without your permission).

Drink Driving

It is illegal, dangerous (and really stupid) to drink and then drive. If you have your 'L' or 'P' plates you must have a ZERO blood alcohol reading when driving. If you are asked to be breath tested and you do not have a ZERO blood alcohol reading, you will be charged with a criminal offence.

If you have a full licence, the limit is 0.05 BAC.³⁴

If you are planning to drink alcohol it is a good idea to work out how you are going to get around whether by bus or Uber, or to get a lift with a friend who is not drinking.

What Will Happen if I Am Charged with Drink Driving?

You will have to go to court and you are almost guaranteed to receive a significant fine and have your licence disqualified – even if it is your first offence.

The first time you are convicted of drink driving, you can be fined up to \$2,250 and have your licence suspended for between 1 month and 3 years.³⁵ You can also be imprisoned for up to 9 months. The penalty depends on your level of intoxication. Other factors, such as the nature of the driving when the offence was committed, will also be taken into account when determining the appropriate penalty.

If you are charged with drink driving for a second time, you can be fined up to \$3,000 and have your licence cancelled for between 3 months and 5 years. You can also be imprisoned for up to 12 months.³⁶

You will also need to complete an Alcohol and Drug Awareness Course. You must attend the Alcohol and Drug Awareness Course before you can be issued a probationary licence.

It is also against the law to drive while affected by other drugs such as marijuana and heroin. If you are caught driving while you are drug affected, you can be charged with a criminal offence.³⁷ It is really important to remember that drugs can stay in your system and be detected for a lot longer than alcohol.³⁸

³⁴ Road Transport (Alcohol and Drugs) Act 1977 (ACT) s 19.

³⁵ Ibid ss 26, 32.

³⁶ Ibid ss 26, 33.

³⁷ Ibid s 24.

³⁸ <https://adf.org.au/insights/roadside-drug-testing/>.

These offences are called “strict liability” offences. This means that when a driver provides a breath test or blood sample which shows alcohol content above the legal limit, the only thing that needs to be proved is that the person had alcohol in their blood/breath above the legal limit. It does not need to be proved that the person knew they were above the legal limit.

Burnouts

A burnout happens when you deliberately drive a car to make one or more of its wheels lose traction. Burnouts are illegal. The offence is more serious if you deliberately put a substance on the road, or damage the road surface, before doing a burnout.

You can be fined up to \$3,000 and your licence will be automatically cancelled for 12 months or more.³⁹

The Police and the Court can also impound the vehicle, even if it is not yours.

Paying ACT traffic fines

ACT traffic fines includes traffic infringements issued for speeding, use of unregistered vehicles, negligent driving and other related offences committed in the ACT. Traffic infringements do not include ACT parking fines;

If you receive an infringement notice from another state or territory, you should contact the road authority or police for that State or Territory.

You need to pay your traffic fines within 28 days from the date that you received your infringement notice. If you don't, the amount you have to pay will increase and your licence may be suspended. You can also apply for more time to pay your fine.

Court imposed fines are payable at the ACT Magistrates Court.

Access Canberra	www.accesscanberra.act.gov.au	13 22 81
ACT Magistrates Court	www.courts.act.gov.au/magistrates	6207 4902
AFP	police.act.gov.au/road-safety/traffic-fines	

³⁹ Road Transport (Safety & Traffic Management) Act 1999 (ACT) s 5B.

CENTRELINK

Payments

Centrelink has income support payments for young people. Centrelink is part of the Commonwealth Department of Human Services.

Some of the payments available to young people are:

- Youth Allowance
- Newstart Allowance
- ABSTUDY payment and allowances
- Austudy payment
- Carer payment and allowance
- Disability Support Pension
- Family Tax Benefit payments
- Parenting payments
- Rent Assistance
- Student Startup Loans

Centrelink (Department of Human Services)

www.humanservices.gov.au

Am I eligible for a Centrelink payment?

Working out whether you can get a Centrelink income support payment can be hard. Eligibility criteria can change. To find out the latest eligibility requirements, contact Centrelink.

Youth and Student Services	13 24 90
Newstart over 22 years	13 28 50
ABSTUDY	1800 13 23 17

How do I apply for a Centrelink payment?

Applying for a Centrelink payment can be hard and stressful. If you want more information about payments and how to apply you can contact any of the following services:

Youth Law Centre ACT

www.legalaidACT.org.au

6173 5410

Your local youth centre (contact details in the back of this handbook)

Activity tests to keep your Centrelink payment

To keep getting some Centrelink payments, you have to show that you are undertaking an 'approved activity' as part of your 'mutual obligation' requirements.

There are different 'approved activities' for different payment types. You need to know what these are when your payment is approved.

If you do not meet the Centrelink 'approved activity' tests, your payments may be reduced or even suspended (stopped for a period of time).

Contact Canberra Community Law on 6218 7900 if your Centrelink payment has been suspended or stopped and you need help.

What if I don't agree with a Centrelink decision?

If you do not agree with a decision that Centrelink has made about your payment, the first thing you need to do is ask the person who made the original decision to explain why the decision was made.

If you are not happy with their explanation, the next step is to ask for an internal review of their decision. This review is done by a Centrelink Authorised Review Officer (ARO).

If you are not satisfied with the ARO decision, you can apply to the Administrative Appeals Tribunal (AAT) to review the decision. The AAT is an independent tribunal and is not a part of Centrelink.

You may appeal to an ARO or to the AAT at any time. However, to receive back pay from the date you were affected by the original decision, you must appeal to the ARO and then, if necessary, appeal to the AAT within 13 weeks of receiving the written ARO decision.

If you don't agree with the AAT decision, you can then appeal to the second tier (level) of the AAT. You need to ask for this appeal within 28 days of the date you receive the first tier AAT decision in writing.

Challenging a Centrelink decision might seem a bit overwhelming. You can get help with the process from the organisations listed below.

Asking for an internal review or appeal a Centrelink or AAT decision is free.

Centrelink Debts

If you have a Centrelink debt and do not think that you owe money to Centrelink or if you don't think it's fair you have to pay it back, you have a right to challenge the decision. This is known as an 'appeal'.

If you appeal to an authorised review officer, you can ask Centrelink to pause any debt repayments until your review is finished. Make sure that you check and confirm with Centrelink that the debt repayments have been paused, otherwise Centrelink might add penalty interest to the debt.

You can appeal against a Centrelink debt if:

- You do not owe any money to Centrelink (for example, it says you were in a relationship with another person, but this is wrong);
- You think it has calculated the debt incorrectly (for example, it has used the wrong value for an asset); or
- You agree you have a debt, but you do not think you should have to repay some or all of the amount owing (for example, Centrelink made a mistake which caused the debt).

Usually all these issues are looked at if you appeal.

Usually all these issues are looked at if you appeal.

It is a good idea to get legal advice before appealing against a debt, especially if:

- The debt is large; or
- Centrelink tells you it may refer your matter to the Commonwealth Director of Public Prosecutions for possible criminal prosecution.

Canberra Community Law	<u>www.canberracommunitylaw.org.au</u>	6218 7977
Youth Law Centre ACT	<u>www.legalaidtheact.org.au</u>	6173 5410
Administrative Appeals Tribunal	<u>www.aat.gov.au</u>	1800 228 333

CRIMES AND COURT

Weapons

A weapon is any item that can be used to hurt people. A baseball bat or a glass bottle can be a weapon if you use it in a way that frightens people.

It is illegal to carry or have weapons like knuckle-dusters, metal knuckles, tasers, a studded glove, a gun, a home-made gun or cross-bow, or substances that could injure people, in a street or public place. You can be fined a maximum of \$1000, sentenced to 6 months imprisonment or both.⁴⁰

It is also illegal to use or threaten to use any type of weapon or disabling substance. You can be fined a maximum of \$2000, sentenced to 12 months imprisonment or both.⁴¹

Knife laws

A knife is considered a weapon. It is illegal to have a knife in your possession in a public place (including a school) unless you have a reasonable excuse.⁴²

Some reasons, which may be accepted as a reasonable excuse, are that the knife was necessary for your occupation, religion or for sport or trade purposes. Self-defence is not a reasonable excuse.⁴³

The maximum penalty for carrying a knife is \$1,500 in fines, 6 months imprisonment or both.⁴⁴ It is illegal for a person to sell a knife to a person under 16. The maximum penalty is \$1,500 fine, 6 months imprisonment or both.⁴⁵

⁴⁰ Crimes Act 1900 (ACT) s 380.

⁴¹ Ibid s 381.

⁴² Ibid s 382(1).

⁴³ Ibid s 382 (3).

⁴⁴ Ibid s 382(1).

⁴⁵ Ibid s 383.

Shoplifting

Shoplifting is when you take something from a shop and don't pay for it. In the ACT shoplifting is legally called 'minor theft', if what it would cost to replace it is \$2,000 or less.⁴⁶ If the cost to replace the item is more than \$2,000, the offence is theft rather than minor theft.⁴⁷

Eating food at a restaurant and not paying the bill, or taking a ride in a taxi and then not paying the fare are also considered stealing and are illegal.

The maximum penalty for minor theft is \$7,500 in fines, 6 months' imprisonment or both.⁴⁸

Spent Convictions

A conviction becomes 'spent' if a person has not been convicted of any offence that is punishable by imprisonment (most criminal offences) for a period of 10 consecutive years after the original conviction.⁴⁹ If the person was under 18 at the time of the conviction, the period is 5 years.⁵⁰

A conviction cannot be spent if:

- If you have served more than 6 months imprisonment for an offence; or
- The conviction was for a sexual offence.⁵¹

'Spent' here means that the conviction has been 'used up' or no longer has power. A 'conviction' is a criminal record for when the court has found you guilty of breaking the law.

The aim of this type of law is to prevent people being discriminated against because of their past criminal record.

Once a conviction is spent, you don't need to tell anybody about the previous conviction, even if you are asked about your criminal history.⁵² But this does not include applications to become a police officer, prisoner officer, justice of the peace, teacher, teacher's aide, casino employee, childcare or aged care provider, or provider for people with a disability, Judge or Magistrate, or when applying for a Working with Vulnerable Persons card.⁵³ You have to mention your spent conviction if making any of these applications.

46 Criminal Code 2002 (ACT) s 321.

47 Ibid s 308.

48 Ibid s 331(1).

49 Spent Convictions Act 2000 s 13(1)(b).

50 Ibid s 13(1)(a).

51 Ibid s 11(2).

52 Ibid s 16.

53 Ibid s 19(1).

What Happens in the Childrens Court?

If you are under 18 and have been charged with a crime, you will most likely have to go to the Childrens Court.⁵⁴ The Childrens Court is in the same building as the Magistrates Court. If you are charged with a serious offence, a judge in the Supreme Court will normally hear your case.

ACT Childrens Court

Knowles Place, Civic

6207 1746

When you first go to the Childrens Court you can ask the Magistrate to delay hearing the case for up to 3 weeks to give you time to get legal advice. This is called an adjournment.⁵⁵

There is usually a duty lawyer from Legal Aid ACT at the court. It is free to get help from the duty lawyer. This person can represent you in Court if you have not already organised your own lawyer.

If you are in custody or the Magistrate is considering putting you into custody, you can ask for bail.⁵⁶ If it is granted, the Magistrate may choose to place conditions on your bail. Conditions can include many things designed to make sure you show up to court, keep you safe or to keep you from doing the wrong thing until your next court date.⁵⁷ The duty lawyer can explain how to ask for bail for you.

The Childrens Court is a 'closed court'. This means that members of the public cannot watch.⁵⁸ One or both of your parents must attend if they know about the court proceedings. If they don't go to court without a reasonable excuse, the Court may issue a warrant to bring your parent/s to Court.⁵⁹

Once you have had a chance to get legal advice, the Magistrate will ask whether you wish to plead guilty, which is admitting that you have committed the crime, or not guilty, that you do not admit you committed the crime.

⁵⁴ Magistrates Court Act 1930 s 288(1).

⁵⁵ Ibid s 83.

⁵⁶ Bail Act 1992 (ACT) ss 5, 20(1).

⁵⁷ Ibid ss 25-26.

⁵⁸ Court Procedures Act 2004 (ACT) s 72.

⁵⁹ Ibid s 71(3).

If you plead guilty, your case may be dealt with straight away and the Magistrate will give you a penalty or it may be adjourned and a pre-sentence report requested.⁶⁰ A pre-sentence report includes relevant facts about you and your situation. It can include your social history and background, medical history, education and information on your family circumstances.⁶¹

If you plead not guilty, you will be given a date to come back to court so the Magistrate can hear all the evidence against you. The Magistrate has to be satisfied that you are guilty beyond reasonable doubt.⁶²

A 'warrant' is an official document stating a charge against you, which means that you can be arrested and brought before the Court.⁶³ The warrant will usually be read or shown to you at the time of the arrest, but this is not always the case. Sometimes the warrant may be shown to you later. Check that the warrant is signed. If you are arrested you may be kept in a detention centre until you next have to go to court

Possible Penalties

The Childrens Court can give many different penalties.

These are some examples:

- You may have to pay compensation for damage you caused or you can be fined;⁶⁴
- You may have to do community service;⁶⁵
- You can be given a Good Behaviour Order. See the section on 'Good Behaviour Orders' below;⁶⁶
- You can be sentenced to imprisonment (sent to a detention centre);⁶⁷
- In some cases the Court can give you a penalty without giving you a criminal conviction.⁶⁸ This can be helpful if you wish to be employed in certain types of work in the future. You should talk to your lawyer about this.

60 Crimes (Sentencing) Act 2005 ss 41(3)(b), 133E.

61 Ibid s 40A.

62 Evidence Act 2011 (ACT) s 141(1).

63 Crimes Act 1900 (ACT) s 219.

64 Crimes (Sentencing) Act 2005 (ACT) s 14(2).

65 Ibid s 133L.

66 Ibid ss 13(3)(b), 133L.

67 Ibid s 133G.

68 s 17(2)(a).

Good Behaviour Orders

The Children's Court may give you a Good Behaviour Order, which is like a second chance. It means that in the future you must be on your best behaviour. This may or may not include a conviction. Good Behaviour Orders may come with conditions such as performing community service.⁶⁹

If you are already in trouble with the law and you are on a Good Behaviour Order you must not commit any crimes. If you do, you will be dealt with for breaching your Order. This is called a 'Breach of Good Behaviour Order'. Most offences can mean that you have breached your Order.⁷⁰

The Children's Court may sentence you to imprisonment but suspend that sentence and give you a Good Behaviour Order.⁷¹ If you breach the Good Behaviour Order you can be sent to a detention centre to serve the sentence of imprisonment.

What Happens If I Don't Go to Court When I'm Meant to?

If you can't be at the hearing at the correct time you should let the court clerk know as soon as possible. The court clerk is an officer of the court and usually sits near the Magistrate or Judge. If you are sick, you should send a medical certificate to the court. Make sure that the medical certificate has full details of your illness. If you don't attend court when you are told to, a warrant may be issued for your arrest.⁷²

Getting a Lawyer

You should have a lawyer represent you in court whenever possible. If you want a lawyer to represent you in court you may apply for Legal Aid.

Legal Aid ACT has a duty lawyer at court most of the time. The duty lawyer can apply for bail for you when you first appear in court. This won't cost you anything.

If there is no duty lawyer available when you need one, court staff will be able to help you in arranging one.

69 Ibid ss 13(3)(b), 133L.

70 Crimes (Sentence Administration) Act 2005 ss 86(1)(a), 107.

71 Ibid s 108(2).

72 Magistrates Court Act 1930 (ACT) s 42(2).

Alternatives to Court

Some types of offences can have different options than what is said above.

These include:

- Police Caution;
- Restorative Justice Conference; and
- Diversionary programs for drug or alcohol related offences.

Police Caution

A Caution is a warning. They can be formal or informal and are usually given where there is one minor offence. If you have previous charges/cautions, you will probably not be given a Caution.⁷³

For example, the Police may give you a caution if you are caught using false identification to buy alcohol.⁷⁴

The aim of a Caution is to make you understand the full consequences of your crime but without making you go to court. The Police do not have to give you a Caution if they decide that it is not appropriate.

Don't ever admit to something you didn't do just to get out of going to Court.

Police record a caution in their police records but it does not become part of your criminal record.⁷⁵

Restorative Justice Conference

If you commit a crime or are the victim of a crime you may be asked to participate in a restorative justice conference.⁷⁶

The conference is a meeting between yourself (as the young offender) and the person or people who were affected by the crime. It can last a few hours.

⁷³ Simon Bronitt and Bernadette McSherry, *Principles of Criminal Law* (Lawbook, 3rd ed, 2010) 47.

⁷⁴ Liquor Act 2010 ss 149(f), 150.

⁷⁵ Ibid s 150(3)(a).

⁷⁶ Crimes (Restorative Justice) Act 2004 (ACT) s 8.

It is a chance for both parties to talk about what happened and why, allow you to accept responsibility for your actions and for both sides to come to an agreement about what can be done to fix any damage caused by the crime.⁷⁷

If you are not comfortable talking to the other person face to face the communication can take place through letters or a “middle person” if the victim agrees.

Restorative justice is currently only available for certain criminal offences.⁷⁸

Who can be involved in restorative justice?

- Any person over the age of 10 who is a victim of crime;⁷⁹
- The person who has committed the crime (the young offender);⁸⁰
- A convenor who will run the meeting;
- Other parties who are involved in the offence such as teachers, members of the community;
- Support persons, such as friends and family members can also be present;
- Lawyers cannot be involved.

Why be involved?

If you were responsible for the crime:

- You don't have to go to the meeting if you don't want to;⁸¹
- If you choose to, it's a good chance to accept the consequences of your actions, explain why you did what you did to the people who were affected by your actions and see how your actions have hurt someone;
- Restorative Justice can happen along with a court hearing, or in some cases, instead of one;
- Sometimes participation by the offender in Restorative Justice may reduce the penalties that the court imposes.⁸²

If you are a victim of crime:

- In some situations this type of meeting is a good chance to tell the person who was responsible for the crime how you felt and what problems you have had because of the crime;

⁷⁷ Ibid s 20.

⁷⁸ Ibid ss 14 - 15.

⁷⁹ Ibid s 17(1)(b).

⁸⁰ Ibid s 19.

⁸¹ Ibid s 9.

⁸² Ibid s 20; Crimes (Sentencing) Act 2005 (ACT) s 33(1)(y).

- In the meeting you can also talk about what can be done to make up for the injury that you have suffered; and
- It can be a good way for you to feel better about what happened or at least let the other person know that their actions affected other people.

Restorative Justice Unit

www.justice.act.gov.au

6207 3992

Diversiory programs for drug or alcohol related offences

ACT Community Health's Diversion Services run diversionary strategy programs for young people. This means that the program is trying to keep people out of court and get them into the health system. It is for minor drug related offences. If you meet the criteria, you will be assessed and sent to an approved agency. For example, education programs, counselling, and residential rehabilitation.

ACT Community Care,
Alcohol & Drug Program

health.act.gov.au

6207 9977

ACT Police Youth Alcohol Diversion Program is a program that tries to keep people out of the court system. This program is for people who have committed an offence that relates to alcohol, for example if the person drank alcohol against the law, or an offence that involved a lot of alcohol, for example committing a crime while drunk. You must confess that you did commit the offence and agree to the program. It also can't be for a violent crime.⁸³

If you are eligible for the program, you may be sent to the Assessment and Coordination Team who will complete an assessment for treatment and/or education. You may also be sent to a treatment agency who will tell the police whether you actually went or not.⁸⁴

It is the agency staff who decide whether you have participated enough in these programs. If they decide that you haven't, then this will be reported back to the police, who will decide if you have to go to court.

⁸³ ACT Policing, ACT Police Youth Alcohol Diversion Program
<<https://police.act.gov.au/about-us/programs-and-partners/youth-alcohol-and-drug-diversion-programs>>

⁸⁴ Ibid.

ACT Police Youth Alcohol
Diversion Program

police.act.gov.au/about-us/programs-and-partners/

Court Alcohol & Drug Assessment Service (CADAS) is a short-term program for people charged with a drug related offence. If the person participates in this program, the court will think about this when it is time to sentence the person.⁸⁵

Court Alcohol & Drug Assessment Service (CADAS)
(ACT Health)

6207 9977

⁸⁵ Crimes (Sentencing) Act 2005 (ACT) s 33(1)(x) and s 40B(2).

DISCRIMINATION

The ACT Human Rights Act

The ACT and Victoria are the only states or territories in Australia that have human rights legislation. Human rights are really important and can help to protect you.

The ACT Human Rights Act⁸⁶ tries to make sure that people respect human rights and that these rights are protected in the ACT.⁸⁷

It includes the:

- Right to equality before the law;
- Right to life;
- Right to protection from torture and cruel, inhuman or degrading treatment;
- Right to protection of family and children;
- Right to freedom of expression;
- Right to education;
- Right to freedom of movement;
- Right to peaceful assembly and freedom of association;
- Right to freedom of thought, conscience, religion and belief;
- Right to privacy and reputation;
- Right to take part in public life;
- Right to liberty and security of the person;
- Right to humane treatment in detention;
- Right to a fair trial;
- Rights of children in the criminal process;
- Rights in criminal proceedings;
- Right to compensation for wrongful conviction;
- Right to protection against trial or punishment more than once for the same crime;

⁸⁶ Human Rights Act 2004 (ACT).

⁸⁷ Ibid s 30.

- Right to protection against retrospective laws;
- Right to freedom from forced work; and
- Rights of ethnic, religious or linguistic minorities, including the right to protect and develop Aboriginal and Torres Strait Islander cultural heritage.

The ACT Human Rights Act says that all the laws in the ACT should be consistent with human rights as much as possible.⁸⁸ Public authorities, such as government officials, ACT police, public school teachers, and Transport Canberra bus drivers must act in a way which is consistent with human rights.⁸⁹

When public authorities make decisions, they must think about human rights. If you feel that a public authority like the ACT Police has not respected your human rights you can complain to that public authority. This is the first step. If that does not fix the problem, you have the option of going to the ACT Supreme Court. If you want to go to court, you must do this within 1 year of when your human rights were not been respected ('breached').⁹⁰

But even if the ACT Supreme Court makes a decision and says that there was a breach of the ACT Human Rights Act, they can't give you money as damages.⁹¹

You can also argue that your human rights have been breached, or not respected, in other areas of law too. For example, if you are appealing a housing decision, or arguing for a fair trial at court.

It is important to know that you cannot complain to the ACT Human Rights Commission if you think that your individual human rights have been breached.

ACT Human Rights
Commission

www.hrc.act.gov.au

6205 2222

88 Human Rights Act 2004 (ACT) Preamble.

89 Ibid s 40B(1).

90 Ibid s 40C(3).

91 Ibid s 40C(4).

Discrimination

Discrimination happens when someone treats you unfairly because of your: ⁹²

- Accommodation status;
- Age;
- Gender;
- Gender identity or intersex status;⁹³
- Genetic information;
- Marital or relationship status;
- Race;
- Immigration status;
- Disability;
- Religion;
- Sexuality;
- Political opinion;
- Pregnancy or potential pregnancy;
- Choice to breastfeed;
- Role as a parent or a carer;
- Profession, trade or employment status;
- Industrial activity;
- Spent or extinguished conviction;
- Irrelevant criminal record;
- Subjection to family violence; and/or
- Association with someone who has one of the above attributes.

The ACT Discrimination Act protects people's human rights and tries to make sure that people are not unfairly discriminated against for any reason.

The ACT Discrimination Act⁹⁴ also makes it illegal to discriminate against someone because of their HIV/AIDS status or because they have made or are thinking about making a discrimination complaint.⁹⁵

Public Life

Discrimination laws covers different areas of life including how you are treated by government departments, landlords and employers. It is illegal for these organisations and people to discriminate against you for any of the attributes listed above such as your race, gender or age.⁹⁶

92 Discrimination Act 1991 (ACT) s 7.

93 This also includes situations where there is a record of your gender/sex having been changed.

94 Including Discrimination Act 1991 (ACT); Sex Discrimination Act 1984 (Cth); Racial Discrimination Act 1975 (Cth); Disability Discrimination Act 1992 (Cth) and Age Discrimination Act 2004 (Cth).

95 Discrimination Act 1991 (ACT) s 68.

96 Ibid s 7.

Exceptions

However, sometimes it is okay to discriminate. This is in the discrimination law as well. For example, it is not illegal for an all-girls high school to refuse a boy enrollment at the school. Even though he is being treated differently because of gender, the ACT Discrimination Act has an exception for educational institutions for members of one sex.⁹⁷

The exceptions can apply in the workplace, at school or for certain sporting organisations.

Direct and Indirect Discrimination

Discrimination can be either direct or indirect.

Direct discrimination happens when someone is treated unfairly because of an attribute listed above. For example, if your employer fires you because of your race.

Indirect discrimination happens when things look fair but have an unfair impact on someone with one of the listed attributes.⁹⁸ For example, if a university makes all students' sign up for classes online with no option to sign up for tutorials any other way, and the website cannot be used by blind students, this may be indirect discrimination based on a disability.

Making a Discrimination Complaint

If you think that you have been discriminated against because of one of the attributes listed above, you can make a complaint in writing to either the Australian Human Rights Commission or the ACT Human Rights Commission.

ACT Human Rights Commission	www.hrc.act.gov.au	6205 2222
Disability Discrimination Legal Service	www.canberracommunitylaw.org.au	6218 7918
Youth Law Centre ACT	www.legallaidACT.org.au	6173 5410
Australian Human Rights Commission	www.humanrights.gov.au	1300 656 419

⁹⁷ Ibid s 36.

⁹⁸ Ibid s 8(3).

EMPLOYMENT

Minimum age

The minimum age of employment for most types of work in the ACT is 15 years old.⁹⁹ It is legal to work before the age of 15 but this depends on the type of work. If you are under 15 years of age, you can be employed in 'light work' as long as it is for less than 10 hours a week and does not interfere with school.¹⁰⁰

What is 'light work'?

There is no exact definition of what 'light work' is. Instead, it is used to mean jobs that are suitable for the physical ability and emotional needs of a young person. It cannot be work that could harm a young person. For it to be 'light work' there must be adequate supervision by an adult with the consent of the parent or guardian.¹⁰¹

Examples of 'light work' include:

- Being a referee or umpire;
- Working as a cashier;
- Gardening;
- Babysitting;
- Modelling; and
- Going on errands.¹⁰²

If you are not sure about whether the type of employment is okay, contact the Child and Youth Protection Services:

- Phone (02) 6205 0480
- Email: youngworkers@act.gov.au

99 Children and Young People Act 2008 (ACT) s 795.

100 Ibid s 796(1).

101 Children and Young People (Employment) Standards 2011 (No 1) (ACT).

102 Children and Young People Regulation 2009 (ACT) reg 4.

Work Experience

The general minimum age to be involved in a work experience program is 14 years of age. It is possible to take part in work experience before 14 years of age, but the program must be approved by the Chief Executive, who is responsible for administering the Children and Young People Act 2008.¹⁰³

You cannot be paid for work experience. However, it is important to remember that you are still protected by the law while at your work experience placement. This means that you cannot be bullied, harassed or asked to complete tasks that are unsafe.¹⁰⁴ You should also get a break during the workday.¹⁰⁵

Casual, Part time and full-time work

Working as a casual

Casual work is short-term and not ongoing. For casual employees, there is no guarantee of future work.

Casual employees are generally not entitled to the same benefits given to permanent employees, such as paid annual leave or personal leave.¹⁰⁶ Casual employees usually get paid more per hour to make up for this. This is called 'casual loading'. Casual employees may also get paid more for working outside of normal working hours, such as on weekends or public holidays. This is called a 'penalty rate'.

Working part-time

Part-time employees work less hours than full-time employees and generally have a set number of hours to work each week.

Part-time employees have the same rights as full-time employees, but this depends on how much the part-time employee works.¹⁰⁷

Working full-time

Full-time employees usually have ongoing employment and ordinarily work 38 hours per week.¹⁰⁸ They are also entitled to certain benefits including paid personal leave and annual leave.¹⁰⁹

103 Children and Young People (Work Experience) Standards 2009 (No 1) (ACT) [4].

104 Ibid [14].

105 Ibid [19].

106 Fair Work Act 2009 (Cth) s 86 (not entitled to annual leave), s 95 (not entitled to personal/carer's leave).

107 Ibid ss 87(2) (annual leave), 96(2) (personal/carer's leave).

108 Ibid s 62(1)(a).

109 Ibid ss 87 (annual leave), 96 (personal/carer's leave).

Full-time employees cannot be required to work more than 38 hours per week unless the additional hours are reasonable.¹¹⁰ What is 'reasonable' depends on many factors, including the employee's personal circumstances, the needs of the workplace, whether the employee is entitled to receive overtime payments, the amount of notice given and the type of job.¹¹¹

Getting Paid

How much should I get paid?

You must be paid for work that you do, and you must be told how much you will be paid.

The amount you will be paid depends on:

- your age;
- the type of work you do; and
- whether you are a casual, part-time or full-time employee.

The national minimum wage for adults in Australia is \$18.93.¹¹² An adult here means someone over the age of 21.

Types of pay

What is gross pay?

The amount you have earned before income tax and other deductions are subtracted from your pay.

What is net pay?

The amount of money you actually get after your income tax and any other deductions have been taken out from your weekly earnings.

Adult Rate of Pay

The majority of awards and agreements set out an age at which all employees must be paid the full adult rate of pay. Typically this is 21 years of age, but can be younger under some awards. Most awards make provisions for adult and junior wages. Minimum rates for juniors tend to be lower than those for adults.

¹¹⁰ Ibid s 62(1).

¹¹¹ Ibid s 62(3).

¹¹² www.fairwork.gov.au/pay/minimum-wages.

Junior Rate of Pay.

Junior rates of pay are based on the age of an employee and are usually set as a percentage of the adult rate. A junior employee is an employee under the age of 21.¹¹³

Pay slips

Payment must be in full and made at least once a month.¹¹⁴ All employees must be given a payslip within one working day of being paid.¹¹⁵

The payslip must include:

- the pay period, the date the payment was made;
- the gross amount of payment;
- the gross payment amount;
- the net payment amount;
- any superannuation contributions made;
- the rate of pay;
- any entitlements; and
- any deductions.¹¹⁶

If the employee is paid at an hourly rate, the payslip must also include the number of hours worked.¹¹⁷

It's a good idea to check each payslip to make sure the amount of pay and the hours worked are correct. If you think something is wrong, contact the payroll officer at your workplace or talk to your boss. It could just be a simple mistake.

Youth Law Centre ACT	www.legalaidACT.org.au	6173 5410
Legal Aid ACT	www.legalaidACT.org.au	1300 654 314
Fair Work Commission	www.fwc.gov.au	1300 799 675
Unions ACT	www.unionsact.org.au	6225 8116

¹¹³ www.fairwork.gov.au/pay/minimum-wages/junior-pay-rates.

¹¹⁴ Fair Work Act 2009 (Cth) s 323(1).

¹¹⁵ Ibid s 536(1).

¹¹⁶ Fair Work Act 2009 (Cth) s 536(2)(b), Fair Work Regulations 2009 (Cth) reg 3.46

¹¹⁷ Fair Work Act 2009 (Cth) s 536(2)(b), Fair Work Regulations 2009 (Cth) reg 3.46.

Tax

Most employers take tax from your pay every pay cycle (called pay-as-you-go or “PAYG” payments). However, you will still need to fill in a tax return (normally by October 31st) for every financial year you are paid. This is so the Australian Tax Office (ATO) can check you have paid enough tax and give you a refund if you have paid too much.

Tax returns can be completed in a number of ways including by mail, over the phone or online. Online is the fastest and easiest way.¹¹⁸ To submit a tax return you will need a Tax File Number (TFN). Normally your employer will have a TFN application form you can fill out. You can also get a form from an ATO shopfront, or apply for a TFN online through the ATO website.

Superannuation

Superannuation is money you set aside over your lifetime to help with your retirement. If you are over 18 and earn at least \$450 a month,¹¹⁹ your employer must pay superannuation contributions into your superannuation account at least every three months.¹²⁰ These contributions must be equal to at least 9.25% of your pay.¹²¹

If you are under 18 you may also be entitled to super contributions if you are working over 30 hours per week.¹²² You should check to see whether you are receiving the right amount of superannuation. If not, you should contact the payroll officer at your workplace, and if you have more questions, the ATO.

Australian Tax Office	www.ato.gov.au	13 28 61 (tax) 13 10 20 (Super)
Youth Law Centre ACT	www.legalaidACT.org.au	6173 5410
Legal Aid ACT	www.legalaidACT.org.au	1300 654 314

¹¹⁸ www.ato.gov.au/Individuals/Lodging-your-tax-return/In-detail/Tax--what-you-need-to-know/?page=3.

¹¹⁹ Superannuation Guarantee (Administration) Act 1992 (Cth) s 27(2).

¹²⁰ Ibid s 16.

¹²¹ Ibid s 19.

¹²² Ibid ss 6, 19.

Workplace Discrimination

‘Discrimination’ (see chapter on Discrimination & Human Rights) can also happen in the workplace.

Examples of direct discrimination in the workplace include being treated unfairly or unequally because of your sexuality, relationship status, family responsibilities, race, disability, involvement in union or work health and conviction for certain minor criminal offences.¹²³

Indirect discrimination in the workplace includes conditions or requirements that apply to everyone but have a negative effect which is likely to disadvantage some people.¹²⁴ An example of indirect discrimination could be a uniform requirement for a casual job that may prevent people from some cultures working there, when the uniform requirement is not related to the performance of the job.

In most cases it is illegal for an employer to discriminate against employees and job applicants when:

- Hiring employees and during the interview process;¹²⁵
- Negotiating terms and conditions of employment;¹²⁶ and
- Offering promotion, transfer or training, and in dismissals.¹²⁷

Australia-wide

The Fair Work Ombudsman can investigate serious complaints, and can try to help you resolve your complaint through mediation. But the Fair Work Ombudsman has no power to make your employer pay you compensation or give you back your job. The Australian Human Rights Commission deals with age discrimination, racial discrimination, sexual discrimination and disability discrimination complaints across Australia through a conciliation process.

123 Discrimination Act 1991 (ACT) s 7(1); Work Health and Safety Act 2011 (ACT) s 104. For details on criminal records, see Spent Convictions Act 2000 (ACT) ss 7-8, 11-13, in particular s 11(2)(a)-(d).

124 Discrimination Act 1991 (ACT) s 8(1)(b) .

125 Ibid s 10 (1); Work Health and Safety Act 2011 (ACT) s 105(b).

126 Discrimination Act 1991 (ACT) s 10 (2)(a); Work Health and Safety Act 2011 (ACT) s 105(1)(a)(iii)- (iv).

127 Discrimination Act 1991 (ACT) s 10 (2)(b); Work Health and Safety Act 2011 (ACT) s 105(1)(a)(i)-(ii).

ACT

The ACT Human Rights Commission can give information and help people wishing to make a complaint about discrimination or unfair treatment.

Fair Work Ombudsman	www.fairwork.gov.au	13 13 94
ACT Human Rights Commission	www.hrc.act.gov.au	6205 2222
Australian Human Rights Commission	www.humanrights.gov.au	1300 656 419
Youth Law Centre ACT	www.legalaidACT.org.au	6173 5410
Legal Aid ACT	www.legalaidACT.org.au	1300 654 314

Safety at Work

All workers have a right to a safe workplace. This includes casual employees, apprentices and contract workers. An employer has a duty of care to make sure that their employees are safe while at work, as far as is reasonably practicable. What is 'reasonably practicable' depends on the facts of each situation.¹²⁸

However, an employer will be breaching the duty owed to employees if the employer does not:

- Provide and maintain a workplace without risk to employees' health and safety;¹²⁹
- Provide adequate facilities for the welfare of employees at work;¹³⁰
- Provide a safe way in and out of the workplace;¹³¹
- Provide employees with the information, instruction, training and supervision necessary to perform their work in a safe manner and without risks to health;¹³²

128 Work Health and Safety Act 2011 (ACT) s 19.

129 Ibid s 19(3)(a).

130 Work Health and Safety Act 2011 (ACT) s 19(3)(e), Work Health and Safety Regulation 2011 (ACT) reg 41.

131 Work Health and Safety Regulation 2011 (ACT) reg 40(a).

132 Work Health and Safety Act 2011 (ACT) s 19(3)(f), Work Health and Safety Regulation 2011 (ACT) reg 39.

- Maintain appropriate information and records relating to employees' health and safety;¹³³
- Provide appropriate medical and first-aid services for the employees;¹³⁴
- Ensure the safety at work of employees using, handling, storing or transporting plant, structures or substances;¹³⁵
- Take action to monitor employees' health and safety at work and the conditions of the workplace;¹³⁶ and
- Develop and maintain health and safety policies with employees and health and safety representatives.¹³⁷

When a serious or dangerous incident occurs employers must also let Work Safe ACT know straight away so that the incident can be investigated.¹³⁸

You also have safety duties as an employee. An employee must take reasonable care for their own safety. An employee must take reasonable care not to do anything, or fail to do something, that creates a risk (or increases an existing risk) to anyone else.¹³⁹ This means that it is also your responsibility as an employee to make sure the workplace is safe.

Employees must also comply with any reasonable instructions, policies or safety procedures their employer has set in place to ensure health and safety¹⁴⁰ including using or wearing equipment as directed.¹⁴¹

Work Safe ACT is responsible for work health and safety in the ACT. You can contact them for free, confidential advice, or to make a confidential complaint about safety at work.

133 See e.g. Work Health and Safety Act 2011 (ACT) s 38(7) (records of notifiable incidents); Work Health and Safety Regulation 2011 (ACT) reg 76(2) (records of employee training).

134 Work Health and Safety Regulation 2011 (ACT) reg 42.

135 Work Health and Safety Act 2011 (ACT) s 19(b),(d).

136 Ibid s 19(g).

137 Ibid ss 47-49.

138 Ibid s 38.

139 s 28(a)-(b).

140 s 28(c)-(d).

141 Work Health and Safety Regulation 2011 (ACT) reg 46.

Work Safe ACT	www.worksafety.act.gov.au	13 22 81
Youth Law Centre ACT	www.legalaidACT.org.au	6173 5410
Legal Aid ACT	www.legalaidACT.org.au	1300 654 314
Unions ACT	www.unionsact.org.au	6247 7844
Australian Council of Trade Unions	www.actu.org.au	1300 362 223

Workplace Injuries

If you are injured at work, or while travelling to or from work, you should get legal advice about how to apply for compensation.

In the ACT, a worker (including a regular casual or contract worker)¹⁴² can get compensation for personal injury that arises out of or in the course of their employment.¹⁴³ A worker is also entitled to compensation if their employment substantially contributed to a disease or pre-existing condition¹⁴⁴ or where they were injured during a journey to or from work, or work related training.¹⁴⁵

Losing your Job

Unlawful Termination

It is illegal for an employer to fire you for certain reasons including:

- Because of race, colour, sex, sexual preference, age, physical or mental disability, marital status, family or carer responsibilities, pregnancy, religion, political opinion, nationality or social origin;¹⁴⁶
- Because you filed a complaint against the employer;¹⁴⁷
- Temporary absence from work because of illness or injury;¹⁴⁸

¹⁴² Workers Compensation Act 1951 (ACT) ss 10-11.

¹⁴³ Ibid s 31(1).

¹⁴⁴ Ibid s 31(2)-(3).

¹⁴⁵ Ibid s 36.

¹⁴⁶ Fair Work Act 2009 (Cth) ss 351(1), 772(1)(f).

¹⁴⁷ Ibid s 772(1)(e).

- Temporary absence from work to take part in voluntary emergency activity;¹⁴⁹
- Membership or non-membership of a trade union or participation in union activities;¹⁵⁰
- Seeking office to represent or having represented employees;¹⁵¹
- Absence from work during maternity leave or paternal leave;¹⁵² and
- Raising concerns about work health and safety.¹⁵³

This does not apply to casual employees.¹⁵⁴ It also does not apply if there is serious misconduct by the employee or if the employment is only for a specified period of time.¹⁵⁵

Employers must give proper written notice to employees when ending their employment:¹⁵⁶

- If employed for less than a year the employer must give one week's notice;
- If employed for more than a year but less than three years the employer must give two weeks' notice;
- If employed for more than three years but less than five years the employer must give three weeks' notice; or
- If employed for more than five years the employer must give four weeks' notice.¹⁵⁷

If you think you have been unlawfully dismissed you should get legal advice as soon as possible. Complaints must be lodged with the Fair Work Commission within 21 days of your employment being terminated.¹⁵⁸

Fair Work Commission	www.fwc.gov.au	1300 799 675
Fair Work Ombudsman	www.fairwork.gov.au	13 13 94

148 Ibid s 772(1)(a).

149 Ibid s 772(1)(h).

150 Ibid s 772(1)(b)-(c).

151 Ibid s 772(1)(d).

152 Ibid s 772(1)(g).

153 Work Health and Safety Act 2011 (ACT) ss 104, 105(1)(a)(i)-(ii), 106(h).

154 Fair Work Act 2009 (Cth) s 123(1)(c).

155 Ibid ss 123(1)(b), 123(1)(a)-(d).

156 Ibid s 117.

157 Ibid s 117(3).

158 Ibid s 774(1)(a).

Unlawful Termination

A dismissal is 'unfair' when it is harsh, unjust or unreasonable.¹⁵⁹ 'Dismissal' means that you have been fired. In deciding whether your dismissal is unfair, the Fair Work Commission will consider all of the circumstances leading to your dismissal.

This includes considering if:

- There was a good reason for your dismissal related to your capacity to work or conduct. For example, the impact of your conduct on the safety and welfare of other employees.¹⁶⁰ Good reasons may include a refusal to follow reasonable instructions on the work premises;¹⁶¹
- You were given a reason and a chance to respond;¹⁶²
- You were warned about any poor work performance before you were dismissed;¹⁶³
- You were allowed to have a support person there to help you during discussions of your dismissal;¹⁶⁴
- Your employer is a small business and has no dedicated HR specialist.¹⁶⁵

A dismissal is not unfair when you are made redundant for genuine 'operational reasons'.¹⁶⁶ This includes reasons of an economic, technological, or structural nature (for example, if the employer no longer has any work for you and no longer requires anyone to perform the job you have been performing). Redundancy and dismissal are not the same.

Unfair dismissal laws do not apply to businesses that employ fewer than 15 people (a "small business"). However, these businesses must still give a warning to an employee about why they are at risk of being dismissed ('fired') before they dismiss them.¹⁶⁷

The laws against 'unfair dismissal' do not apply until you have worked for at least 6 months, or 1 year for a small business (fewer than 15 employees).¹⁶⁸

159 Ibid s 385(b).

160 Ibid s 387(a).

161 Fair Work Regulations 2009 (Cth) reg 1.07.

162 Fair Work Act 2009 (Cth) s 387(b)-(c).

163 Ibid s 387(e).

164 Ibid s 387(d).

165 Ibid ss 385(c), 387(f)-(g).

166 Ibid ss 385(d), 389(a).

167 Fair Work Act 2009 (Cth) s 385(c); Small Business Fair Dismissal Code 2011.

168 Ibid ss 382-383.

Casual employees cannot generally make an application for unfair dismissal. However, casual employees will not be treated as casual if they have been employed on a regular and systematic basis and had a reasonable expectation of continuing employment.¹⁶⁹ This means that even if you are told by your employer that you are a casual employee, you may not be a casual employee by law. It is still worthwhile getting legal advice if you think you have been unfairly dismissed even as a casual employee.

If you think you have been unfairly dismissed you must act quickly – unless exceptional circumstances apply – you only have 21 days from the date that you were dismissed to make an application to the Fair Work Commission.¹⁷⁰

Fair Work Commission	www.fwc.gov.au	1300 799 675
Fair Work Ombudsman	www.fairwork.gov.au	1300 724 200
Unions ACT	www.unionsact.org.au	6247 7844
Australian Council of Trade Unions	www.actu.org.au	1300 362 223
Youth Law Centre ACT	www.legalaidact.org.au	6173 5410
Legal Aid ACT	www.legalaidact.org.au	1300 654 314

169 Ibid s 384(2).

170 Ibid s 394(2)(a).

FAMILY

Your parents

Your parents have a legal responsibility to care for you and financially support you until you are 18. This includes looking after your mental, physical and emotional health.¹⁷¹ Your parents also have to make sure that you are educated and stay in school until you are at least 17 years old or finish Year 12.¹⁷² Your parents can choose where they send you to school.¹⁷³

Your parents can discipline you but it needs to be reasonable. They are not allowed to use unreasonable physical discipline such as slapping you across the face, or using something like a belt to hit you with. Your parents are not allowed to abuse you in any way.¹⁷⁴ If you are worried about how your parents are treating you, you can get free help.

If you need help figuring out whether the way your parents treat you is 'reasonable' or 'unreasonable', contact:

Youth Law Centre ACT	www.legalaidACT.org.au	6173 5410
Legal Aid ACT	www.legalaidACT.org.au	1300 654 314

If you are having problems at home, you can talk to a youth worker about how to get help and fix these problems (see the list of contacts at the back of this handbook). If there is violence in your home, have a look at the section in this handbook on 'Personal Safety'.

171 Children and Young People Act 2008 (ACT) ss 15-16; Convention on the Rights of the Child Art. 18.

172 Education Act 2004 (ACT) ss 9-10.

173 Ibid s 10(2)(a).

174 Crimes Act 1900 (ACT) s 39.

Kids Help Line	www.kidshelp.com.au	1800 55 1800
Lifeline	www.lifeline.org.au	13 11 14

Becoming a Parent

If you have a child, you have the same responsibilities as any parent.

These include:

- Registering your child's birth by completing an ACT Government Birth Registration statement within 6 months after the day of the birth;¹⁷⁵
- Caring for your child until they turn 18 years old;¹⁷⁶ and
- If the child does not live with you, you may be required to pay child support payments to help care for them until they are 18 years old.

If you and the other parent are not together you will need to think about what time the child should spend with each of you and how that should occur while keeping the baby safe.

If you do not meet your responsibilities as a parent or you do not care for your child properly, Child and Youth Protection Services (CPYS) may become involved and your child may be taken away from you and placed with someone else who can care for them properly.

For support and advice on being a parent you can contact:

ACT ParentLink	www.parentlink.act.gov.au	13 34 27
EveryMan	www.everyman.org.au	6230 6999
ACT Child and Family Centres	www.communityservices.act.gov.au	

¹⁷⁵ Births, Deaths and Marriages Registration Act 1997 (ACT) s10(1).

¹⁷⁶ Family Law AC.

Birth certificates and registration

It is very important that all children are registered and receive a birth certificate when they are born. It will be important later on for setting up health records, and education records, and for claiming payments from Centrelink.

If the father's name is not on the birth certificate, the mother of the child will have to prove that he is the father if she wants to receive child support payments. This process is called 'Proof of Parentage'.

Proof of Parentage usually involves the father either agreeing to sign a form saying he is the father or having a blood group or DNA test to establish whether he is the father.¹⁷⁷ If he is unwilling to take a test to confirm paternity, a court can order him to do so.

Access Canberra	www.accesscanberra.act.gov.au	13 22 81
Youth Law Centre ACT	www.legalaidACT.org.au	6173 5410
Legal Aid ACT	www.legalaidACT.org.au	1300 654 314

Getting married

At 18, you can get married.¹⁷⁸ Marriage in Australia means 'the union of 2 people to the exclusion of all others, voluntarily entered into for life.'¹⁷⁹

However, if you are aged between 16 and 18, you can apply to the court for permission to get married.¹⁸⁰ You must have good reasons and prove there are 'exceptional circumstances'.¹⁸¹ Being pregnant is not normally enough, by itself, to be 'exceptional'.¹⁸²

¹⁷⁷ Child Support (Assessment) Act 1989 s 29(2).

¹⁷⁸ Marriage Act 1961 (Cth) s 11.

¹⁷⁹ Ibid s 5.

¹⁸⁰ Ibid s 12 (1).

¹⁸¹ Ibid s 12 (2)(b).

¹⁸² Re K (1963) 5 FLR 38, 39 (Selby J). Re Z (1970) 15 FLR 420, 423 (Joske J).

Adoption

Information about adoptions has to be kept secret.¹⁸³ If you are adopted and are not yet 18 years old, you can normally only find out who your birth parents are if both your adoptive parents and your birth parents agree.¹⁸⁴ In the ACT, you can start looking for your birth parents without your adoptive parents' permission once you turn 18.

Once you have turned 18 you can apply to Access Canberra to give you a copy of your adoption record. Before doing this you will need to get a formal authorisation to apply from the Assessment and Support Team.¹⁸⁵

Once you are 17 years and 6 months of age, you can say in writing that you don't want your birth parents to have any contact with you (called an objection). This takes effect when you turn 18 years of age. This objection is made to the Chief Executive of the Registrar-General's Office of Births, Deaths and Marriages and remains in place unless you revoke it in writing. This is how you can prevent your birth parents from making contact with you.¹⁸⁶ Your birth parents also have the same right to prevent you making contact with them

Care and Protection System

Child and Youth Protection Services is responsible for making sure that children who live in the ACT are cared for and protected from abuse and neglect.

Abuse may be physical, sexual, emotional or psychological.¹⁸⁷ Neglect can include if your parents don't provide you with food, somewhere safe to live, clothing or don't take you to the doctor when you get really sick.¹⁸⁸

If a child has been, is being or is at risk of abuse or neglect, then Child and Youth Protection Services have to take action to protect the child.¹⁸⁹ This is called a Child Concern Assessment.

If the child is still at risk of abuse and neglect, Child and Youth Protection Services may go to the Children's Court to ask for an order to protect the child or young person. These situations are called 'care and protection proceedings'.

183 Adoption Act 1993 (ACT) s 60.

184 Ibid s 68 (1).

185 Ibid s 62.

186 Ibid s 70.

187 Children and Young People Act 2008 (ACT) s 342.

188 Ibid s 343.

189 Ibid s 350.

Child and Youth Protection Services	www.act.gov.au	1300 556 729
Youth Law Centre ACT	www.legalaidACT.org.au	6173 5410
Legal Aid ACT	www.legalaidACT.org.au	1300 654 314
CREATE Foundation	www.create.org.au	1800 655 105
Barnardos Australia	www.barnardos.org.au	6228 9500

Family Separation/Divorce

If your parents are talking about separating, or getting divorced, or are not living together any more, life may be hard for the whole family for a while. Before your parents get divorced, they need to be separated.¹⁹⁰

Your parents will have to make lots of hard decisions. They need to decide where they will live, where you will live, and sometimes even who will continue to live in the family home. If your parents own the home, they might need to decide whether it will have to be sold. It is important to remember that it is not your fault if your parents are separating.

Some families can work things out between themselves. Lots of other people can help, including the following:

Family Relationships Advice Line and Website

By phoning the advice line you can get information and advice about family separation from a social worker or other support person. They can switch you through to a legal adviser, who will tell you what your legal rights are.

If your parents have not yet separated, they can call this number and get information about counselling and mediation services that can help them try to resolve their difficulties and prevent them separating.

¹⁹⁰ Family Law Act 1975 (Cth) s48(2).

Family Relationships Advice Line	1800 050 321
Family Relationships Online	www.familyrelationships.gov.au

Family Relationships Centre

Family Relationship Centres provide families with information and advice about family separation issues, and refer them to services that can help. You can attend the Centre with one or both of your parents, or you can go there on your own.

Family Relationship Centre	www.familyrelationships.gov.au	6122 2444
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Family and Relationship Counselling

Counselling can be really helpful when your family is separating for your parents and for you.

Relationships Australia	www.racr.relationships.org.au	1300 364 277
Catholic Care	www.catholiccare.cg.org.au	6295 4300

Mediation

If your parents are thinking about separating, they can get mediation. Mediation is similar to counselling, but the mediator takes a more active role in trying to help your parents come to an agreement.

A family dispute resolution mediator will talk to you and/or your parents, and help you come to an agreement about future arrangements, or just discuss your feelings about the situation, and help you to deal with them.

Sometimes they can help your parents mend their relationship, but if that is not possible, they'll encourage your parents to focus on how best to care for the children after they separate. This may prevent the need for your parents to go to court.

Going to the Family Court

If your parents still can't agree about important things such as where you are going to live, the next step is for your parents to go to Court and ask a judge to make a decision about parenting and/or property issues.

The whole court process can take a long time to finish – up to one or two years in really complicated cases. But the judge can make 'temporary' or 'interim' orders from time to time before the process is finished, and your parents can agree on orders they want made at any time.

What sort of orders can the Court make?

The Court makes orders which are in the child's best interests. These could include where you are to live, who you are to live with, and how much time you spend and communicate with a parent you are not living with.¹⁹¹

It can also say who will make decisions about your medical treatment, where you go to school, what name you will use, and what religion you will follow.¹⁹²

Can I spend equal time with both parents?

The Court must make a decision that has your best interests as the most important consideration.¹⁹³ You have a right to have a meaningful relationship with both your parents, except in cases where there is a risk of abuse or neglect.¹⁹⁴ So the Court order may say that you have to spend equal time with both parents.¹⁹⁵

Sometimes practical difficulties prevent this, such as if your parents live a long way from each other, or one of them has work or other commitments which prevent them sharing parenting time equally. The Court must think about whether equal time is in your best interests, but does not have to order it if it is not practical.

How old must I be before I can live with whoever I want?

The court must think about your views but it must also think about a lot of other things and balance it all to make a decision. The Court will listen to your views but might not make the decision you want. The older and more mature you are the more likely it is that the court will agree to let you make the choice.

¹⁹¹ Ibid s 64B(2).

¹⁹² Ibid ss 64B(2), 60CC.

¹⁹³ Ibid s 60CA.

¹⁹⁴ Ibid s 60CA.

¹⁹⁵ Ibid s 61DA.

What does the Court take into account in deciding who I will live with?

The Court is thinking about what is in your best interests, not the best interests of your parents. The Court will also look at:

- What orders will best ensure you have a meaningful relationship with both of your parents;
- Whether it will be too expensive or difficult for the parent you are not living with to spend time with you, if a particular order is made;
- Whether the parent with whom you will live will protect you from harm, including family violence against you or witnessing violence;
- Your relationship with each parent and other relatives in your extended family, such as grandparents, and whether that will be maintained if a particular order is made;
- Whether each parent can provide for your physical, intellectual and emotional needs;
- Your right to enjoy your Aboriginal or Torres Strait Islander heritage, if that is your background; and
- What your views are.¹⁹⁶

What does the Court take into account in deciding who I will live with?

You don't have to say what you want to happen.¹⁹⁷

What if I do want to tell the Court what I want?

In almost all cases, you and your parent or parents will be sent to see a Family Consultant who will talk to all of you, sometimes together, sometimes separately. The Family Consultant will then write a report to the Court with recommendations about your time with your parents. You need to tell the Family Consultant if you do not want your parents to know what you have said.

Sometimes the court appoints a lawyer who is called an Independent Children's Lawyer to help the court to work out what is best for you. That person will make sure the Court knows your views if you want them known. They are not your lawyer in the same way your parents have lawyers and they do not just do what you say. They are there to help the Court with your interests in mind.¹⁹⁸

¹⁹⁶ Ibid s 60CC.

¹⁹⁷ Ibid s 60CE.

¹⁹⁸ Ibid s 60CD.

Family Law National Enquiry Centre	www.familycourt.gov.au	1300 352 000
Family Court of Australia	www.familycourt.gov.au	1300 352 000
Federal Circuit Court	www.federalcircuitcourt.gov.au	1300 352 000
Best for Kids*	www.bestforkids.org.au	1300 888 529

*Some information on the Best for Kids website only applies to NSW.

How can I find out what is happening?

Usually your parents are not allowed to talk about the court case with you and they should not show you any court documents. Remember, this is them disagreeing about you but it is not your problem. Your parents should really only be telling you about the arrangements that are in place. If you have an Independent Children's Lawyer you can call and ask them any questions. You may be able to get free information from Legal Aid or the Youth Law Centre ACT.

Youth Law Centre ACT	www.legalaidACT.org.au	6173 5410
Legal Aid ACT	www.legalaidACT.org.au	1300 654 314

Who can I talk to right away?

If you want to talk about what's happening there are other people you can contact to help you:

Kids Help Line	kidshelpline.com.au	1800 55 1800
Lifeline	www.lifeline.org.au	13 11 14

HEALTH

Visiting a Doctor

Some public health centres provide free or low cost services to young people.

For a free or low cost appointment with a doctor, contact:

Sexual Health and Family Planning	www.shfpact.org.au	6247 3077
Canberra Sexual Health Centre	health.act.gov.au/our-services/sexual-health	6244 2184
Winnunga Nimmityjah Aboriginal Health Service	www.winnunga.org.au	6284 6222
The Junction Youth Health Service	6232 2423	

Medicare

Medicare is a national system that helps pay for certain health services. To be eligible you must have a Medicare card. You may be registered on your parents' card. You can request your own Medicare number and card when you are 15.¹⁹⁹

You do not need a Medicare card to see a doctor at Sexual Health and Family Planning or Canberra Sexual Health Centre.

¹⁹⁹ <https://www.humanservices.gov.au/individuals/enablers/how-enrol-or-re-enrol-medicare/36706#australiancitizen>

Even with a Medicare card, you may have to pay some money up front before seeing a doctor. You can then take the receipt to Medicare for a partial refund on the amount you paid. However, you cannot be charged a booking fee, an administration fee, a charge for bandages, record-keeping fees, or a charge by the practitioner's service company.

If you can't afford to pay anything up front, look for a doctor who 'bulk bills'. This means they will take your Medicare details and be reimbursed directly from Medicare, rather than requiring that you go to Medicare for a refund afterwards.²⁰⁰

Medicare

www.humanservices.gov.au

132 011

Can I see a doctor without telling my parents?

Generally, you can visit a doctor or Sexual Health and Family Planning on your own when you are 14, if you have the maturity to make informed decisions for yourself.²⁰¹

If you are over 14 years of age and visit a doctor on your own, your doctor cannot tell your parents if you make it very clear that you do not want your parents told about the visit.²⁰² It is important that you tell the doctor if you do not want your parents to know.

In an emergency, a doctor can tell an immediate family member about relevant medical information if it is necessary and reasonable for your health.

Consent to Medical Treatment

Doctors and nurses cannot give you any treatment without first making sure you have given informed consent to the treatment. This means that you agree to the treatment and that you have been given information about the risks involved. You have the right to ask questions about the risks and what will happen during the procedure or treatment.

200 www.humanservices.gov.au/customer/services/medicare/medicare-bulk-billing

201 Secretary, Department of Health and Community Services v JWB and SMB (Marion's case) (1992) 175 CLR 218, 238. Goldsborough v O'Neill (1996) 131 FLR 104.

202 Health Records (Privacy And Access Act) 1997 (ACT) s 17(3).

The law about agreeing ('consenting') to medical treatment is pretty complicated. You can only consent to medical treatment if you are an adult (18 years or older) or if you are mature enough to clearly understand the nature of treatment to be given to you and any risks involved. Otherwise, a guardian or parent should be asked to consent to the treatment for you.²⁰³

Youth Law Centre ACT	www.legalaidACT.org.au	6173 5410
Legal Aid ACT	www.legalaidACT.org.au	1300 654 314

Access to medical records

If you need to access your medical records, first contact your doctor. If the doctor does not give you the records, contact the ACT Human Rights Commission for advice.

ACT Human Rights Commission	www.hrc.act.gov.au	6205 2222
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Blood Donors and Organ Donation

Blood donors and organ donors help save lives.

People over 16 can generally consent to donate blood or organs.²⁰⁴ If you are under 16 and want to donate blood, you will need permission from your parent or guardian and your doctor must be able to say that the blood donation won't be bad for your health.²⁰⁵

If you are 16 or 17 you can register that you want to donate your organs once you turn 18. If you are already over 18 you can register to be an organ donor. Call the Australian Organ Donor Register, go into your Medicare office, or register on line.

203 Rogers v Whitaker (1992) 175 CLR 479; Secretary, Department of Health and Community Services v JWB and SMB (Marion's case) (1992) 175 CLR 218.

204 Transplantation and Anatomy Act 1978 (ACT) s 20.

205 Ibid s 21.

Red Cross Blood Service	www.donateblood.com.au	139 596
Australia Organ Donor Register	www.humanservices.gov.au	1800 777 203

Mental Health System

If you are feeling stressed or anxious, there are places you can go for support or counselling.

Everyman	www.everyman.org.au	6230 6999
Salvation Army Counselling Service	www.salvos.org.au	6248 5504
Relationships Australia	www.relationships.com.au	6122 7100
Mental Health Foundation ACT	www.mhf.org.au	6282 6658
Lifeline	www.lifeline.org.au	13 11 14
Kids Help Line	www.kidshelpline.com.au	1800 55 1800
The Junction Youth Health Service	6232 2423	

If someone is very upset and confused, and you're worried they might hurt themselves or other people, call the Police or the Mental Health Crisis Assessment and Treatment Team.

If you know you need help living with a mental health issue, but are having trouble accessing support or treatment, contact Mental Health ACT or the ACT Health Services Commissioner.

Police (emergency)	000
Mental Health Crisis Assessment and Treatment Team (CATT)	1800 629 354
Child and Adolescent Mental Health (CAMHS) (ACT Health)	6205 1469 (Northside) 6205 1050 (Southside)
Mental Health ACT, Complaints and Consumer Feedback	6205 5142
ACT Health Services Commissioner	6205 2222

Mental Health Tribunal and Treatment Orders

Sometimes people do not want help, but mental health officials or medical staff believe they need treatment for their own health or safety, or the safety of others.

In some situations the ACT Mental Health Tribunal can make someone with a mental illness undergo treatment by using a Psychiatric Treatment Order, or Community Care Order.²⁰⁶

In other situations some people may ask the ACT Mental Health Tribunal for treatment for mental illness as they feel they cannot make reasonable decisions affecting their own health and safety.²⁰⁷ This means that someone else will make the decisions for them.

You can find out more information about the Tribunal (how it works, who will be there, what will happen) from Legal Aid ACT.

You can request free legal representation if you are attending a Tribunal hearing held at the Psychiatric Services Unit. Contact Legal Aid ACT

²⁰⁶ Mental Health (Treatment & Care) Act 1994 (ACT) s 11.

²⁰⁷ Ibid s 13.

It is sometimes possible to ask for mental health treatment orders to be appealed or reviewed. Contact Legal Aid ACT for more information.

Youth Law Centre ACT	www.legalaidACT.org.au	6173 5410
Legal Aid ACT	www.legalaidACT.org.au	1300 654 314

Complaints about Health Services

If you have a complaint about a service provided by a doctor, nurse, chemist or any other health service, you can contact the ACT Health Services Commissioner. You may register a complaint if you are over 18 years of age, or through a parent or guardian, or if you have permission from the Commissioner. The ACT Disability and Community Services Commissioner also take complaints about disability and aged service providers.

ACT Health Services Commissioner	6205 2222
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HOUSING

Leaving Home

There is no law in the ACT that says you have to be a certain age before you can leave home. But your parents still have legal parental responsibility for you until you become an adult at age 18.²⁰⁸ Parental responsibility means that they have legal responsibilities and authority about your daily and long-term care.²⁰⁹ An example of long-term care responsibility is being able to decide where you live or where you go to school.²¹⁰

If you are 16 or over, it is unlikely that you will be forced to go back home. If you do leave home before you are 18, your parents or the Director General of the ACT Community Services Directorate can ask the Children's Court for a "care and protection" order.²¹¹ A care and protection order can include who you are allowed to have contact with, forbid you from using drugs or allow you to be tested for drugs, changing who has parental responsibility for you such as to another person who is not your parent, or deciding where - or with which people - you must live.²¹² This is for your own care and protection.

A care and protection order is taken out if you are unprotected from the risk of being abused, neglected, exploited, or you are experiencing some other sort of harm or conflict with the people who have parental responsibility for you.²¹³ A care and protection order will normally mean that you have to live with a certain person. This person could be one of your parents, a relative or a foster parent, or in a youth refuge or at some other place.

208 Children and Young People Act 2008 (ACT) s 16.

209 Ibid ss 15, 19.

210 Ibid s 40.

211 Ibid ss 422, 424, 425.

212 Ibid s 422.

213 Ibid s 345.

Child and Youth Protection Services is unlikely to take out a court order if you are over 16 and:

- You have somewhere safe to live;
- You have enough money to live on; and
- You are not involved with drugs, prostitution or criminal activity.

Refuges and Supported Accommodation

If you have left home and do not have anywhere to stay, you might want to think about moving to a youth refuge while you decide where to live.

There are different youth refuges in the ACT. Most refuges have confidential addresses. This means that they will only give the address to people living at the refuge. You may have to go along to an interview to be able to stay at a youth refuge. You should ask them about whether you will have to pay money to stay there, and how much.

Each refuge has its own rules that must be followed by people staying there. If you do not follow these rules it is likely that you will be asked to leave.

If you need somewhere to stay in an emergency you should contact One Link on 1800 176 468. One Link is the main place to call for anyone needing emergency accommodation. They will refer you to the appropriate accommodation service.

If you are in emergency housing and are having problems, get legal advice about what action you can take.

Refuges and Supported Accommodation

If you are 16 years or older and an Australian citizen or a permanent resident, you may be able to rent a place to live from ACT Housing.²¹⁴ Each applicant must be a resident in the ACT for a period of 6 months immediately before the assessment for housing happens (assessment date).²¹⁵

Housing ACT will charge you either a maximum of 25% of your income in rent, or the market rent, whichever is lower.²¹⁶

214

www.communityservices.act.gov.au/hcs/services/social_housing/eligibility_for_public_housing.

215 www.communityservices.act.gov.au/hcs/services/social_housing.

216 www.communityservices.act.gov.au/hcs/services/social_housing.

To qualify for Housing ACT you need to earn less than:

- Single Applicant - \$724 gross per week
- Family of two persons and joint tenancies - \$905 gross per week
- Family of three or more persons - \$905 plus \$121 each for the third, fourth, fifth person etc.

Plus your rental rebate needs to be less than 25% of your gross weekly income, your personal assets (not counting furniture, clothing and one vehicle) must not be more than \$40,000, and you must not own any residential property.²¹⁷

These figures change frequently, so it's a good idea to check with Housing ACT.

ACT Housing	www.communityservices.act.gov.au/hcs/services	13 34 27
NSW Department of Housing	www.facs.nsw.gov.au/housing	1800 422 322

What if it's an Emergency?

If you have an urgent or special housing need you can apply to Housing ACT for 'early allocation housing'.²¹⁸ Circumstances such as homelessness, mental or physical health issues, disability, women and children escaping domestic violence, Indigenous persons facing complex issues, and children at risk may indicate a special housing need.²¹⁹ Housing ACT will look at your situation and decide if you are eligible for early allocation housing.

If you can't get somewhere to stay through Housing ACT and need to try to get into a refuge, call your local Youth Centre (contact details are at the back of this handbook). They can help you get in contact with refuges and give you information on finding somewhere else to stay, or see the section on Refuges and Supported Accommodation.

217

www.communityservices.act.gov.au/hcs/services/social_housing/eligibility_for_public_housing

218

www.communityservices.act.gov.au/hcs/services/social_housing/eligibility_for_early_allocation_of_housing

219

www.communityservices.act.gov.au/hcs/services/social_housing/eligibility_for_early_allocation_of_housing

What if my application is refused?

You can have the decision reviewed. It will be reviewed first by a senior Housing officer, and then a panel.²²⁰ The Housing Review Committee may also then consider the decision. The Housing Review Committee is independent from Housing ACT.²²¹ If you are still unhappy with the decision, you may be able to apply to the ACT Civil and Administrative Tribunal (ACAT).

Canberra Community Law	www.canberracomcommunitylaw.org.au	6218 7977
Housing ACT Client Liaison	13 34 27	

Renting from a Landlord

You can find a private rental property through the internet, local newspapers, or by contacting Real Estate Agents.

The cheapest way to rent through the private rental market is through a group rental arrangement, also known as a 'share house'. This is where a group of people agree to share the costs and responsibilities of renting a house, flat or unit. This means there are more people helping to pay the rent.

Usually in the ACT landlords and real estate agents ask for at least one 'Rent Reference'. The reference is usually written by someone you have rented from before; however, an adult who knows you well, like a teacher or school counsellor, could also write it. The real estate agent may call your referee to check whether you are reliable.

Once you have decided on a place to live, and the landlord has accepted your application, you will be asked to sign a Residential Tenancy Agreement. This is the new name for what used to be called a lease.

For a free rental pack, with information about what to do before signing a lease, contact the Tenants' Union ACT.

Tenants' Union ACT	www.tenantsact.org.au	6247 2011
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220 www.communityservices.act.gov.au/hcs/services/social_housing/appeals

221 www.communityservices.act.gov.au/hcs/publications/fact_sheets/review-of-decision

What is a Bond?

A bond is an amount of money you might need to pay before you can move into your new home. A bond acts as a safeguard for the landlord at the end of the tenancy in case the place is damaged, or if you break your lease and don't pay all the rent.²²²

The bond cannot be more than the equivalent of four weeks rent.²²³ You may also be asked to pay rent of up to one calendar month in advance.²²⁴

If you keep your home in good condition and pay the rent on time, the bond will be returned to you when you move out.²²⁵

It is really important that you keep a good record of what the place looked like when you moved in. This could be by taking pictures and sending it to the landlord or real estate agent.

In the ACT, all bonds must be paid to the Office of Regulatory Services (Rental Bonds), which is operated by the ACT Government. The Office of Regulatory Services will hold your bond until you move out of the property and have your final inspection. The final inspection is to check that the house/flat is in the same condition as when you moved in and that any damage that has occurred is only 'fair wear and tear' as a result of normal usage.²²⁶

If you have problems getting your bond back you can get legal advice about what to do.

Tenants' Union ACT	www.tenantsact.org.au	6247 2011
Youth Law Centre ACT	www.legalaidACT.org.au	6173 5410
Legal Aid ACT	www.legalaidACT.org.au	1300 654 314

222 Residential Tenancies Act 1997 (ACT) Dictionary.

223 Ibid s 20.

224 Ibid schedule 1, clause 28.

225 Ibid s 33-34.

226 Ibid s 31.

Help Paying the Bond

If you want to rent a place privately but can't afford to pay a bond, ACT Housing may be able to give you an interest free loan of up to 90% of the bond. This is called 'bond assistance'.

To get bond assistance, you need to be on a low to moderate income, and do not have cash or assets worth over \$10,000 you can convert to cash. This amount does not include ordinary household and personal effects and a car. You must also show that you can meet the obligations and payments required to be able to continue to live in the private rental property as a tenant. You can also get a grant of \$100 to help you start your tenancy.²²⁷

ACT Housing

www.communityservices.act.gov.au/hcs

133 427

Residential Tenancy Agreements

A residential tenancy agreement can be written or spoken. But it is best if you make sure that any agreement you make with a landlord or real estate agent is put in writing. This will reduce the chance of misunderstandings or disputes about what you both agreed to.

If you are not sure about anything in a residential tenancy agreement that you are being asked to sign then you should get legal advice.

Tenants' Union ACT

www.tenantsact.org.au

6247 2011

Youth Law Centre ACT

www.legalaidACT.org.au

6173 5410

Legal Aid ACT

www.legalaidACT.org.au

1300 654 314

²²⁷

www.assistance.act.gov.au/parent/housing_and_rates/publicsocial/housing_act_rental_bond

Once you have signed a residential tenancy agreement you have legal responsibilities for the property you are renting. You should be sure you understand what you are signing and that you can meet your responsibilities before you sign any residential tenancy agreement.

Signing a Residential Tenancy Agreement

People under the age of 18 can sign residential tenancy agreements, which used to be called 'leases'.²²⁹ But many real estate agents will ask young people under 18 to have an adult sign the lease on their behalf. It's not a legal requirement but they are allowed to ask. If a person signs a lease on your behalf, they are agreeing to take legal responsibility for the house or apartment.

If you are not sure about anything in a tenancy agreement that you are being asked to sign, you should ask for legal advice.

If there are other people wanting to rent the same house or apartment, the real estate agent and landlord do have a right to pick who they think will be the most reliable person to live there. Young people are more likely to be at a disadvantage in this situation.

If you feel that you have been discriminated against because of your age, you can contact:

ACT Human Rights Commission	www.hrc.act.gov.au	6205 2222
Australian Human Rights Commission	www.humanrights.gov.au	1300 656 419

Ending a Residential Tenancy Agreement

If you want to get out of your residential tenancy agreement before it finishes, this is sometimes called 'breaking your lease' or 'ending a tenancy'. If you try to do this, you may have to keep paying rent for as long as the lease lasts.²³⁰ In most cases, you will have to pay the rent until a new tenant moves in, even if you do not live there anymore. The landlord has a duty to try and get someone to move in within a reasonable time.²³¹

229 Ibid s 6A.

230 Ibid s 36.

231 Ibid s 38.

If you need to end your tenancy agreement, try to give as much notice as possible. Put your notice in writing and keep a copy of it. Try talking to the real estate agent or landlord as they might agree to let you end the lease early.

Reasons to end the tenancy agreement early could consist of the landlord breaching the terms of the tenancy agreement or you are experiencing significant financial hardship.²³²

Occupancy agreements

If you make an agreement to live somewhere, but the agreement is not a residential tenancy agreement, it is probably an occupancy agreement. For example, if you are lodging in a refuge. An occupancy agreement may be written or spoken, or partly written and partly spoken.²³³

Under an occupancy agreement you are still entitled to certain things:

- You should be told about any rules before you move in;²³⁴
- The accommodation should be reasonably safe and clean;²³⁵
- You can ask to have the agreement in writing if you are there for more than 6 weeks;²³⁶
- You should be given 8 weeks' notice before any increase in rent;²³⁷ and
- You cannot be asked to leave without reasonable notice.²³⁸

See the Tenants' Union ACT website for more information on occupancy agreements.

Tenants' Union ACT

www.tenantsact.org.au

6247 2011

232 Ibid s 43-44..

233 Ibid s 71C(2).

234 Ibid s 71E(1)(b).

235 Ibid s 71E(1)(a).

236 Ibid s 71E(1)(c).

237 Ibid s 71E(1)(f).

238 Ibid s 71E(1)(h).

Eviction

An eviction is when you are made to leave your accommodation.

If Housing ACT wants to evict someone, they must go through a formal notification process. You can appeal their decision. This means that you can challenge the decision to try and get a different result. It's important to contact Housing ACT as soon as possible to try to resolve the problem.

The only way you can be evicted by your landlord is through an order of the ACT Civil and Administrative Tribunal (ACAT). Landlords cannot evict you themselves - they must have an order from the ACAT.²³⁹

If your landlord wants to evict you, they also have to give you proper written notice. Once the landlord has applied for a warrant of eviction, you will receive at least two days' notice.²⁴⁰ If you don't agree with the notice you should get legal advice.

Remember to keep copies of all papers relating to any tenancy. If you have asked your landlord or agent to fix any problems you should keep a copy of this. This way you have a record of your problem and your attempt to have it sorted out. It will also stop them from saying they didn't get the message or that they forgot.

²³⁹ Ibid s 36(1)(c)-(d).

²⁴⁰ Ibid s 40.

MONEY AND DEBT

Bank accounts

You can open a bank account at any age. Usually, if you are under the age of 14 you will need a parent or guardian to help you to set up a bank account. If you are over 14 years of age, some banks will let you set up the bank account yourself. This will depend on the bank.²⁴¹ You will need different forms of ID to be able to complete the forms, such as a driver's licence, student ID, proof of age card, or passport.

When picking a bank, it is important to look at what different banks can do for you. You can shop around. You should ask about what fees you will have to pay, what interest they pay, and whether you have to maintain a minimum amount of money in your account before they charge you fees or pay you interest.

Debit cards and EFTPOS

A debit card allows you to withdraw your money from an ATM or through EFTPOS when you make a purchase at a store. Ask if the bank has fees for withdrawals, if there is a limit on the number of transactions you can make each month, and if they will charge you for using another bank's ATM.

Through EFTPOS you can use your debit card to pay for things at a store, and sometimes you can withdraw money from your account at the same time. Pay attention when the payment is made, in case it doesn't go through properly. If they tap or insert your card twice, or say they had to cancel a previous transaction, ask why. Keep any receipts and check your bank statement to make sure the payment wasn't processed twice and the amount taken out twice.

241 www.commbank.com.au/guidance/consumer-finance/how-to-open-your-child-s-first-bank-account-201704.html; www.westpac.com.au/personal-banking/bank-accounts/savings-accounts/bump/; www.stgeorge.com.au/personal/bank-accounts/childrens-account; www.bankwest.com.au/personal/savings-accounts/childrens.

Direct debit

Some bills or payments can be made through direct debit. You might give permission for a one-off payment, or for regular payments. You can cancel these at any time by writing to the bank or financial institution.

Avoiding problems

- If you use phone banking, keep the receipt number. If you use internet banking, print out the transaction record;
- Check your bank statements to make sure you are being charged correctly.
- If something doesn't seem right, ask for an explanation; and
- If you have been charged for something you didn't buy, make a complaint.

If you have a disagreement with the bank, try to sort it out directly, by visiting a branch, phoning them or writing a letter. If you can't fix it, contact the Australian Financial Complaints Authority (AFCA) or a free legal service to get advice about what to do next.

Youth Law Centre ACT	www.legalaidACT.org.au	6173 5410
Legal Aid ACT	www.legalaidACT.org.au	1300 654 314
Consumer Law Centre ACT	www.carefcs.org	6257 1788
AFCA	www.afca.org.au	1800 931 678

Keeping track of your money

It's a good idea to work out where your money is going so you know you're not spending more than you are earning. By creating a budget, you can make sure you don't spend all your money without realising it, and then have nothing left when you have to pay the rent or buy a new phone card. A budget will also help you start saving for something you really want to buy.

There are many online resources available to help you create a budget. You can also get free help from a financial counselling service. Care Financial Counselling has a free booklet, 'Budgeting for Life', available on their website:

Care Financial Counselling Service	www.carefcs.org	6257 1788
Salvation Army Moneycare Counselling Service	www.salvos.org.au	6247 3635

Buying things

Whether you're buying something small (like a T-shirt) or something big (like a TV), it is a really good idea to shop around. Compare prices, and make sure you are getting exactly what you want.

It is ok to inspect things before buying, to make sure of the quality. Take your time, and don't get pressured into buying anything. Walk away and think about it for a while, then go back if you are sure it's what you need and can afford.

When you make large purchases, ask for a receipt, and keep it in a place you will remember. Having the receipt makes it easier to ask for a refund or exchange. However, you do not need to have the receipt to request an exchange or refund. What you need is 'proof of purchase'. A receipt is one way you can do this. For example, a credit card statement is also proof of purchase.²⁴² If you are worried you will lose the receipt or other proof of purchase you can always scan it and save it on your computer or take a photo.

Refunds and exchange

You are not legally entitled to an exchange or refund just because you change your mind.²⁴³ Some stores will allow you to exchange or refund if you have changed your mind, but it is up to the particular store policy, not the law.

You are only legally entitled to a refund if the goods are faulty, or if the store misled you when you bought the goods.²⁴⁴

242 Competition and Consumer Act 2010 (Cth) s 100(4); www.accc.gov.au/consumers/prices-surcharges-receipts/receipts-proof-of-purchase.

243 www.accc.gov.au/consumers/consumer-rights-guarantees/consumer-guarantees#exceptions-to-guarantees

244 Competition and Consumer Act 2010 (Cth) s259.

If you think you should get a refund, but the store refuses to give it to you, contact the ACT Office of Fair Trading, or the Australian Competition and Consumer Commission.

Youth Law Centre ACT	www.legalaidACT.org.au	6173 5410
Legal Aid ACT	www.legalaidACT.org.au	1300 654 314
Consumer Law Centre ACT	www.carefcs.org	6257 1788
Australian Competition and Consumer Commission	www.accc.gov.au	1300 302 502
ACT Office of Fair Trading	6207 3000	

Mobile phones

Prepaid phones

One way to avoid spending more money than you can afford is to buy a pre-paid mobile phone service. When you run out of credit on your phone card, you can buy a new one, and this way you can keep track of your spending.

Emergency calls to 000 can be made even if there is no credit on your phone.

Mobile phone plans

To sign a mobile phone contract you have to be 18 years old.²⁴⁵ Sometimes young people ask their parents to sign the contract for them. Once you sign the contract, you are responsible for paying the phone bills.

If you do sign a contract (with your parents' help, or on your own when you turn 18) it is important to think about:

- How much will the contract cost? Can you afford the minimum monthly repayments, as well as any other fees involved?

²⁴⁵ Nash v Inman [1908] 2 KB 1.

- How long is the contract period?
- What are the fees or charges for cancelling the contract early, or for changing the plan?
- What will you use the phone for? Texting or talking or both?
- What are the costs for making calls, SMS, video messaging and accessing the Internet?
- What services do they have to help you manage your spending on the phone?

Check the contract for hidden costs. If you do not understand the contract, do not sign it! It's ok to take it home to read through it before signing. Take it to the Youth Law Centre ACT and ask them to explain what it means.

It is really important that you are aware of the terms of the contract, and that you are sure you can afford to get a phone. If you don't make the payments that you agreed to when choosing the plan, you are breaking the contract. This could have serious consequences. You could receive a bad credit rating (which will make it hard for you to get a loan or a credit card in future), or you may be sued in court.

Keep a copy of your receipt and the signed contract.

Other issues with mobiles

Whatever type of phone you are looking for, shop around and get advice! Compare prices, contracts, and the services offered.

Don't lend your phone to anyone – you have to pay for all the calls made on your phone even if someone else made the call.

If the phone is stolen, contact the phone company straight away – you may have to pay for all calls made before you report it missing.

Check how much you'll pay for downloading apps, games, music, MS voting or entering competitions. Sometimes there are much higher rates for text messages or calls to 19 and 190 numbers.

If you have a disagreement with the phone company about your bill, extra fees or charges, or service quality, and you can't sort it out, contact the Telecommunications Industry Ombudsman for advice.

Borrowing money

Loans

If you need money to pay for something important, you may apply for a bank loan after you turn 18.²⁴⁶ If you are thinking about applying for a bank loan, shop around. Compare the interest rates, the fees and charges, and the term of the loan (how long you will have to pay it back). To apply for a loan you will need proof of income, bank statements and personal identification.²⁴⁷

Ask the bank to show you how much interest you will have to pay, and what happens if you pay it off early. Think about whether it is worth paying this much to borrow the money, or whether there are other options (like saving, or borrowing from friends or family).

The Australian Securities & Investments Commission has great resources available on their website that explain personal loans in more detail.²⁴⁸

Credit cards

Credit cards can be useful, but also be risky. Just because the bank says it will give you a credit card does not mean you can really afford it. If you do apply for a credit card, use it carefully.

The bank may not ask you to pay back the full balance on your card each month – you will likely only have to pay a minimum amount (for example, for a debt of \$200, this could be just \$10 per month).

You might be able to afford this minimum amount, but unless you can pay back the whole balance each month (for example, the whole \$200), you will be charged interest. And credit cards can have a high interest charge!

So if you use a credit card to buy something, it might take you longer to pay off the debt than you think and you may end up paying a lot more than you expected to pay for the item.

²⁴⁶ Ibid.

Key Information

You must be given all the information about your credit arrangements (for example about bank loans and credit cards).²⁴⁹

Credit providers (such as a bank, credit unions, mortgage brokers and other lenders) must tell you in writing all key information about your loan contract.²⁵⁰

This includes:

- The amount of credit;
- The annual percentage rates;
- How the interest charges will be calculated and the how often interest is charged;
- The total amount of interest charges;
- Repayments you need to pay if the loan term is less than 7 years;
- The amount of the repayments and how this amount is calculated;
- The default interest rate and how it applies; and
- Other important information about your contract.

Hardship

If you cannot make payments because of unemployment, illness, or other unforeseen situation, you can apply for your contract to be changed because you are experiencing 'hardship'.²⁵¹

The credit provider might change your credit contract so that you only have to repay a smaller amount at a time or they might stop repayments for a short period of time.

Credit providers have 21 days to respond to your request for hardship.²⁵² If they say 'No', you can then complain to an External Dispute Resolution (EDR) Scheme.

Each credit provider will have their own preferred EDR scheme and must give you the contact details of their EDR scheme.

Credit providers must NOT offer credit to consumers who would not be able to meet their repayments.²⁵³

249 National Consumer Credit Protection Act 2009 (Cth) sch 1 s 16(1)(b).

250 Ibid ss 113, 121(2), 126(1)-(2), 127, 136, 149, 158, 160.

251 Ibid sch 1 s 72(1).

252 Ibid sch 1 s 72(2).

253 National Consumer Credit Protection Act 2009 (Cth).

Credit providers must make an assessment about whether the loan is unsuitable before offering it.²⁵⁴

In making this assessment, the credit provider must make reasonable inquiries about your reasons for borrowing money and about your financial situation.

The credit provider must take reasonable steps to confirm your financial situation. For example, confirm your employment and income.²⁵⁵

A court can also change your contract if it is considered 'unjust'. This is a difficult legal concept and, if you feel that your contract is unjust, it is best to see a lawyer.

The law applies to you no matter where you live in Australia.²⁵⁶

It is important to deal with any credit problems as soon as they start. You might want to first contact your credit provider to explain any problems you are having.

If you have questions or want to make a complaint about a credit provider, contact a free legal service, or the Australian Financial Complaints Authority.

Youth Law Centre ACT	www.legalaidACT.org.au	6173 5410
Legal Aid ACT	www.legalaidACT.org.au	1300 654 314
Consumer Law Centre	www.carefcs.org.au	6257 1788
AFCA	www.afca.org.au	1800 931 678

254 Ibid s 118(1).

255 Ibid s 118(4).

256 National Consumer Credit Protection Act 2009 (Cth).

Dealing with debt

If you have a debt for a credit card, loan, insurance, phones or utilities (such as electricity, gas or water) it is a really good idea to get legal advice as soon as possible. If you get a Demand Letter or a Default Notice – get help immediately.

It may be possible to talk about your situation and agree on a repayment arrangement before legal proceedings are started against you by the company or provider. If you ignore the letters or messages from the bank or provider, and the lender gets a court judgment against you – it may be too late to get help.

Talk to a free financial counsellor about ways to manage your debt.

Care Financial Counselling Service	www.carefcs.org	6257 1788
Salvation Army Moneycare Counselling Service	www.salvos.org.au	6247 3635

PERSONAL SAFETY AND FAMILY VIOLENCE

Violence

Violence is not just physical. Violence can be verbal abuse, threats, stalking, unwanted touching, pushing, kicking, harassing behaviour, damaging property and any sexual contact you don't want or don't consent to.²⁵⁷ Witnessing violence towards other people can also be really harmful to you.

If violence happens in your home, on the street or at work, you don't have to put up with it. If you experience violence there are different ways of dealing with it. You can call the police, talk to someone, go to services for victims of crime, or you could apply for a court order to protect yourself.

Family Violence and Personal Violence

Family Violence

Family violence includes:

- Physical violence or abuse;
- Sexual violence or abuse;
- Emotional or psychological abuse;
- Economic abuse;
- Threatening behaviour; and
- Coercion or any other behaviour that controls or dominates the family members and causes the family member to feel fear for the safety or wellbeing of the family member or another person.²⁵⁸

Family violence also includes when a child hears, witnesses or is exposed to that behaviour. For example, a child hearing threats or seeing injuries on a family member.²⁵⁹

257 Personal Violence Act 2016 (ACT) s 8(1).

258 Family Violence Act 2016 (ACT) s 8(1)(a).

259 Ibid s 8(1)(b).

A family member can be:²⁶⁰

- A current or former boyfriend, girlfriend, husband, wife, parent or other type of domestic partner;
- An intimate partner including someone you are sleeping with or used to sleep with, depending on how often you have been or were sleeping with the person;²⁶¹
- A relative including step-parents, parents-in-law, step-siblings, half-siblings and siblings-in-law;²⁶² and
- A child of a former or current partner.

A family member can also be someone you have a child with that does not fit the definition of a domestic partner or an intimate partner.²⁶³ For example, if you have a child from a one-night stand and the other parent of that child is harassing or stalking you, they can also be considered a family member. This is important as the definition of 'family violence' is broader than 'personal violence'. It includes more types of behaviour.²⁶⁴

Personal Violence

Personal violence is similar to 'family violence' but is done by people who are not related to you. For example: people you know from your school, your neighbours, the people you work with, people you meet on the internet, or sometimes strangers. However, the definition of 'family violence' is broader than 'personal violence'. For example, the definition of 'family violence' includes economic abuse, psychological and emotional violence or abuse, and coercive or controlling behaviour.²⁶⁵

Personal violence includes:²⁶⁶

- Physical violence or abuse;
- Sexual violence or abuse;
- Threatening behaviour;
- Stalking;
- Harassing, intimidating or offensive behaviour; and
- Damaging property.

260 Ibid s 9.

261 Ibid s 10(2).

262 Ibid s 11(1)(a).

263 Ibid s 9(e).

264 Ibid s 8(1)(a).

265 Ibid s 8(1)(a).

266 Personal Violence Act 2016 (ACT) s 8(1).

If violence happens at your work, it is also possible for your employer or manager to apply to the court for a Workplace Order to stop the person who is violent towards you from approaching you at work.²⁶⁷

Options

Call the Police

The Police can get involved in situations of violence to ensure the safety of the victim. They can also charge people who commit crimes by harming others.

Emergency	000
Police Assistance	131 444

Talk to Someone

It is important to talk to someone you trust. Someone who will listen to what you have to say and who you feel safe with. Some people you could talk to might include friends, relatives, a friend's parents, youth workers, a confidential telephone service, teachers, doctors or counsellors.

These people can give you support, help you find ways of stopping the violence, or help you to find a safe place to stay.

267 Ibid ss 13, 32.

Domestic Violence Crisis Service 24/7 Crisis Line	6280 0900
Kids Help Line	1800 551 800
Lifeline	131 114
Canberra Rape Crisis Service	6247 2525

Applying for a Court Order

You can apply for a Family Violence Order or a Personal Protection Order from the ACT Magistrates Court.

You can get a court order from the ACT Magistrates Court that can require a person to stop any or all of the following:²⁶⁸

- Causing or threatening to cause personal injury;
- Causing or threatening to damage your property;
- Behaving in a harassing or offensive manner towards you;
- Contacting or coming within a certain distance from you, your home, school and other places you may regularly attend etc.²⁶⁹

If you are a school student and the other party goes to your school the Court will give the school a copy of the Orders.

Legal Aid ACT has a Domestic Violence and Personal Protection Orders Unit:

Domestic Violence and Personal Protection Orders Unit	www.legalaidact.org.au	6207 1874 1300 654 314
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You can also see the Legal Aid duty lawyer who is at the ACT Magistrates Court, just behind the court registry. It is best to call for an appointment but we will help you without an appointment if it is urgent.

²⁶⁸ Family Violence Act 2016 (ACT) s 14; Personal Violence Act 2016 (ACT) s 11.

²⁶⁹ Family Violence Act 2016 (ACT) s 38; Personal Violence Act 2016 (ACT) s 38.

Typical court orders can do more than forbid the violent behaviour. They can also stop the other person from coming up to you, going to your home or place of work, other places where you usually go to such as your school, university, swimming pool etc., and stop them from contacting you such as by phone or social media. The court order might also include exceptions to these conditions. For example, if you attend the same school there might be an exception so that both you and the other person can still go to class.

If you apply to the court for a Family Violence Order or a Personal Protection Order, and the person doesn't follow the order, they can be then charged by the Police with a criminal offence for a breach of the Order. They can be arrested and, if found guilty, sentenced for breaching a Family Violence or a Personal Protection Order.²⁷⁰

Interim Orders

An Interim Order will be made by the Court if the Court thinks you are in urgent need of protection.²⁷¹ If you need an Interim Order on the same day, you should come in as early as possible as applications received after 11.30am are not usually accepted. This is to ensure that you will be heard by a Magistrate later that morning, or in the early afternoon. Late applications are accepted only if your matter is extremely urgent. Otherwise, you will be asked to return on the following day. If you are the person to lodge the application, you are called the 'Applicant'.

Once you have lodged your application, the court staff will tell you what time a Magistrate will hear your application. You must wait outside the court and wait for your name to be called. The Magistrate will then ask you questions about why you have made an application and why you need an order.

If a Magistrate makes an Interim Order, you will be given a 'return date' when you must come back to court for a Return Conference. The Return Conference must be at least 21 days later, and usually takes place ('listed') about a month after the date of your Application.

270 Family Violence Act 2016 (ACT) s 43; Personal Violence Act 2016 (ACT) s 35(2).

271 Family Violence Act 2016 (ACT) s 21; Personal Violence Act 2016 (ACT) s 19.

The person you applied for an Order (if one is made) against will be served with your application, and with the Order if one is made. The person you filed the application against is called the 'Respondent'. From the moment the Respondent is served, the Order can be enforced against them. This means that, if the Order says that the Respondent must not come up to you or contact you, her or she may be charged with a criminal offence and arrested by the Police if they do these things after getting the Order.

You can check if the order has been served by calling the Police Assistance Line on 131 444. You will need to tell them your Family Violence Order number or Personal Protection Order number. This number can be found on documents given to you by the Court.

Non-Urgent Orders

If you do not need an Interim Order – for example if you do not fear they will harm you in the very near future – you can file your application at the Registry without asking for an Interim Order. The Registry staff will accept your application and give you a return date for a Return Conference. The Return Conference must be as soon as is practicable. The Respondent will be served with your application and told about the Return Conference.

Return Conference

You must go to the Return Conference if you do not want your application to be dismissed. If you do not attend, your application may be dismissed. The Respondent is asked to attend as well but you will be in separate rooms. The court Registrar will speak to you and to the Respondent to see if your application for an Order can be resolved by agreement. The Registrar is like a judge. The Respondent will be given the chance to agree to your order 'without admissions' and also to negotiate and talk about any terms of the order.

The Respondent may offer Undertakings, which is a promise to the court not to engage in family or personal violence towards you. The difference between an Order and Undertakings is that the Police will not be able to charge the Respondent if he or she breaches the Undertakings. Instead, you will need to return to Court and apply for an Order again. You do not have to agree to accept Undertakings from the Respondent – but you can if you believe the Respondent will respect them.²⁷²

272 Family Violence Act 2016 (ACT) s 64; Personal Violence Act 2016 (ACT) s 58.

If you and the other person cannot agree to anything at the Return Conference, you will be given a hearing date. This is when you have to get evidence to prove to the Court that the Respondent has been violent towards you in the past, or that you have reasonable grounds to fear violence in the future. It is best to get legal advice before the Return Conference, and certainly as soon as possible after the Return Conference if your matter you're going to a court hearing.

Length of Orders

A Family Violence Order can last for up to 2 years, and Personal Protection Order can last for up to 1 year.²⁷³

It is important to remember that, if you want your order to continue for longer than this, you need to apply to the court at least 21 days before it expires, asking to extend it. It may be hard to extend your order later than 21 days before its expiry.²⁷⁴

Changing, Revoking, Reviewing, Extending and Interstate Registration of Orders

Family Violence Orders and Personal Protection Orders can be changed ('amended') or reviewed at any time.²⁷⁵ It is very important that if your circumstances change and what is in the order isn't practical anymore that you apply to the court to change your order.

For example, if you want to get back with your partner after time apart- it is very important to apply to the Court to change your order if it the Order says that your partner must not live with you. If you do not do this, you may be charged with a criminal offence of aiding and abetting your partner's breach of the order.

If you have a Family Violence Order made after the 25th of November 2017, it is recognised across Australia. This means that it will still protect you even if you move interstate.²⁷⁶

If you have a Personal Protection Order and will be moving interstate, or the person you have the Order against is moving interstate, then you may need to register the Personal Protection Order.²⁷⁷ If you don't, the Order will only protect you in the ACT. You will need to contact the court in that State or Territory and ask for the form to have it registered.

273 Family Violence Act 2016 (ACT) s 35; Personal Violence Act 2016 (ACT) s 27.

274 Family Violence Act 2016 (ACT) s 86; Personal Violence Act 2016 (ACT) s 80.

275 Family Violence Act 2016 (ACT) s 82; Personal Violence Act 2016 (ACT) s 77.

276 Family Violence Act 2016 (ACT) s 119;

<https://www.courts.act.gov.au/magistrates/courts/protection/How-to-register-an-order-from-another-State,-Territory-or-New-Zealand-in-the-ACT>

277 Personal Violence Act 2016 (ACT) s 90;

<https://www.courts.act.gov.au/magistrates/courts/protection/How-to-register-an-order-from-another-State,-Territory-or-New-Zealand-in-the-ACT>.

Consequences of Breaching an Order

Family Violence Orders and Personal Protection Orders may have provisions telling the Respondent to keep away from you, your home or place of work, or other places frequented by you.²⁷⁸ They may also stop contact between the parties, including by phone, via SMS or in writing. If they don't listen to and follow the order, they will be in breach of it. A breach of an Order is a criminal offence with a maximum penalty of \$75,000 in fines, 5 years imprisonment, or both.²⁷⁹

It is also important to understand that if the protected person (the victim) contacts the Respondent, against the Order, they can also be charged with a criminal offence for helping the breach of the Order.²⁸⁰

Other Options Available

If you are experiencing family violence or personal violence but do not want to apply for an Order, Legal Aid ACT can write to the person being violent warning them that if they don't stop their violent behaviour you may take legal action.

Legal Aid ACT can also put you in touch with other support services in the ACT so you may get the support that you need such as counselling and arranging a safety plan.

Services for Victims of Crime

If you have been affected by violence, you can ask for free support, counselling and advice from a range of victim's services in the ACT.

Youth Law Centre ACT	www.legalaidACT.org.au	6173 5410
Legal Aid ACT	www.legalaidACT.org.au	1300 654 314
Victims Support ACT	1800 822 272	

278 Family Violence Act 2016 (ACT) s 38; Personal Violence Act 2016 (ACT) s 38.
279 Family Violence Act 2016 (ACT) s 43.
280 Criminal Code 2002 (ACT) s 45(1).

Sexual assault

Sexual assault is a form of violence. It includes any sort of sexual activity that happens without your permission. It can include someone forcing you to engage in sexual acts with them using violence, or threatening violence if you do not engage in sexual acts with them.²⁸¹

It doesn't matter what age you are, it is illegal for anyone including family members, friends, a teacher, a boyfriend or girlfriend to sexually assault you.

For information and support if you are worried about a sexual experience, call:

Canberra Rape Crisis Centre	www.crcc.org.au	6247 2525
Police	000	

Listed in the back of this handbook are more places you can contact to talk about sexual abuse.

Sexual harassment

Sexual harassment includes any unwanted or unwelcome sexual advance, or a request to engage in sexual behaviour in your workplace or school that leaves you feeling uncomfortable, offended, humiliated or scared.²⁸²

It could refer to touching, sexual jokes, naked pictures on display in your workplace or being pressured to do sexual acts by a teacher or your boss.

It is against the law and you have the right to take action by contacting the police or going to court. You can also lodge a confidential written complaint with the national Human Rights and Equal Opportunity Commission, or the ACT Human Rights Commission.

Australian Human Rights Commission	www.humanrights.gov.au	1300 656 419
ACT Human Rights Commission	www.hrc.act.gov.au	6205 2222

281 Crimes Act 1900 (ACT) ss 51-53

282 Discrimination Act 1991 (ACT) ss 58 – 60.

Bullying and harassment

Bullying happens when one person (or a group of people) uses an advantage to harm or upset another person (or group).

Bullying can take many forms, including:

- Physical - hitting, punching, pushing, kicking or unwanted touching or kissing;
- Verbal - name-calling, swearing at someone, teasing, harassing phone calls or spreading rumours;
- Written - hurtful graffiti, passing notes or sending e-mail or text messages containing threats, rumours or insults;
- Threats;
- Making threatening or obscene gestures;
- Stealing, moving or hiding other people's belongings; and
- Deliberately excluding someone from a group or activity.²⁸³

What can I do if I see someone being bullied?

If you see someone else being bullied, it may seem easy at first to just keep out of it, but it is important not to ignore the problem. There are things you can do:

- Let a teacher or work supervisor know what's happening straight away;
- Refuse to join in even if others encourage you; and
- Encourage your school or employer to develop its own 'anti bullying program', perhaps involving some kind of peer support group.

What can I do if I see someone being bullied?

Tell a friend. You do not have to deal with it all by yourself.

It can help to talk to an adult. Find an adult or older person you can trust and feel comfortable with. It doesn't have to be one of your parents; it could be someone else in your family, a teacher, friend, or your local youth worker.

Here are some other things to try to do if you can:

- Call for Police (on '000') if you are in danger. If you are not in danger you can still contact your nearest police station. You can find the contact number for your police station online;

283 <https://kidshelpline.com.au/teens/issues/bullying>.

- If you are in immediate danger of being assaulted go to a safe place such as a shop or business, a safety house, a police station or medical centre;
- Call Kids Help Line or Lifeline for support and information;
- Visit your local youth worker;
- If you have been injured see your doctor. This is important even if you have been given basic first aid at school;
- Write down exactly what happened - time, date, where, who, what. Include the exact words they said if you remember them. Photographs of your injuries may also be very helpful; and
- If you want to find out about Protection Orders, and financial assistance for victims of crime, contact the Youth Law Centre or Legal Aid ACT.

Police	000	
Kids Help Line	1800 551 800	
Lifeline	13 11 14	
Youth Law Centre ACT	www.legalaidACT.org.au	6173 5410
Legal Aid ACT	www.legalaidACT.org.au	1300 654 314

What can my school or workplace do?

Your school and employer have a legal responsibility to ensure that you work, learn and play in a safe environment. They can do this by:

- Talking about bullying;
- Making sure there is a plan for dealing with bullying and helping the victim, that everyone knows about;
- Making sure that there is plenty of supervision in the school yard during break times and that other staff do something every time they suspect bullying is happening;
- Encouraging 'peer support' groups at work or a 'buddy system' at school in which younger students can get to know older students;

- Making sure that anyone who is physically injured is given first aid and then sent to a doctor; and
- Telling the police if you have been threatened or injured badly or if you feel very intimidated.

Bullying can be a crime

Bullying that involves threats,²⁸⁴ harassment or any kind of violence is a crime.²⁸⁵ This is true no matter where the bullying happens including at work and at school. If you physically assault someone, continually harass or threaten them, then you are committing a crime and can be arrested and charged by the police.

284 Crimes Act 1900 (ACT) ss 30-31.

285 Ibid ss 20-21, 24-26.

POLICE

Answering police questions

Police officers can ask for your name and address if they believe on reasonable grounds that you have committed an offence or can help with information about an offence. You must give them this information. It is also against the law to give a false name or address. If you do this you can be given a maximum fine of \$500.²⁸⁶

The police must tell you why they are asking for your name and address.²⁸⁷ You don't need to answer any other questions, but you may be able to give a simple answer that could clear things up quickly.

If you are unsure whether you should answer questions, it is better to say nothing. When you are talking to the police nothing is 'off the record'. Things you say can be used as evidence in court even if you are not under arrest.

Move-on powers

The Police have the power to tell anyone to leave a public place if they have 'reasonable grounds' for believing that a person has been involved, or is likely to be involved, in violent behaviour in that public place.²⁸⁸ 'Reasonable grounds' basically means that it is reasonable for them to think or believe something. This rule does not apply if you are picketing a place of employment or protesting an issue.²⁸⁹

The police can direct you to leave the area by a particular route and not to return for up to 6 hours.²⁹⁰

286 Ibid ss 211 (1) -(2).

287 Ibid s 211(1)(e).

288 Ibid s 175 (1).

289 Ibid s 175 (2).

290 Ibid s 175 (3).

Once the police have directed you to move-on, you could be fined up to \$300 or charged if you don't leave without having a good reason.²⁹¹

Security guards in shopping centres also have the power to direct you to leave shopping centres and ban you for a specified period of time. They are not public places - you can only stay there with their permission. If you refuse to leave, you may be charged with trespassing.²⁹²

Powers to Stop and Search

If a police officer suspects on 'reasonable grounds' that you:

- Have something with you that relates to a serious offence; or
- It is stolen or for some other reason you should not have; and
- It is urgent.

Then the police officer can stop and detain you for the purpose of a frisk or ordinary search.²⁹³

You should never physically interfere with a police officer performing a frisk or search, even if you feel that they do not have reasonable grounds. You could be arrested and charged with obstructing police or be physically harmed yourself. If you feel a police officer has illegally searched you, get legal advice. It is up to the Magistrate who hears your matter to decide if the police had 'reasonable grounds' or not.

Being arrested

Police officers can arrest you if they have 'reasonable grounds' to think you have committed or are committing an offence.²⁹⁴

If a police officer asks you to attend a police station, you should ask if you are under arrest. If you are not under arrest, or not being taken into protective custody, you are not required to go.

If you are being arrested it is important to ask why. The police officer must tell you what offence you are being arrested for.²⁹⁵

291 Ibid s 179.

292 Enclosed Lands Protection Act 1943 (ACT) s 4.

293 Crimes Act 1900 (ACT) s 207.

294 Ibid s 212.

295 Ibid s 222(1).

If you are arrested and detained for an offence, you may be kept at the police station for a period of 4 hours, unless a police officer makes an application to extend that investigation period for no more than 8 hours.²⁹⁶

If you are arrested and detained, you must be brought before a Magistrate as soon as is practical after the investigation period.²⁹⁷ If you are arrested and detained after 3pm, you will appear in the Magistrates Court the following morning for bail (except Sunday).

Who can I call for legal advice when I'm under arrest?

If you have been arrested you should ask a police officer to let you call one of these numbers:

Aboriginal Legal Service NSW/ACT	6120 8802
Youth Law Centre ACT	6173 5410
Legal Aid ACT	1300 654 314

You have the right to ask for a business card of the police officers who arrested and interviewed you in order to follow through with further information or questions.²⁹⁸

Police interviews

In a police interview, you will be asked questions about your actions and the offence the police believe you have committed. Anything you say at the interview can be used as evidence in court. You must give your name and address at the start of the interview, but you do not need to answer any other questions.

You cannot be interviewed if you are drunk or ill.

If you are under 18, the police must try to contact a parent, guardian, relative, lawyer or other responsible adult to sit in with you during the interview.²⁹⁹ If you would prefer, you can ask for someone else like a youth worker, as long as they are over 18. The police will usually try to contact the person you choose.

296 Crimes Act 1914 (Cth) ss 23C(4)(b), 23DA(7); Crimes Act 1900 s 186(1).

297 Crimes Act 1914 (Cth) s 23C(3); Crimes Act 1900 ss 186(1).

298 Crimes Act 1914 (Cth) s 211(3); Crimes Act 1900 ss 186(1).

299 Crimes Act 1900 (ACT) s 252G(2)(a).

If you don't know an adult who can sit with you during the interview, the police must contact an 'Interview Friend'. An 'Interview Friend' is an adult (independent from police) who has volunteered to be available to sit with young people being interviewed.³⁰⁰

Young people cannot be interviewed alone.³⁰¹

You have the right to get legal advice at any time and investigating police must ask you whether you want to have a legal representative there with you before answering any questions.³⁰²

The police will record the interview. You should always ask for a copy, and investigating police will normally let you know that if a transcript becomes available, you should receive a copy within 7 days. The police may ask you to sign a 'record of interview' before they give you a copy. If they do ask you to sign, wait until a lawyer can check the record for you. You should not sign anything that is wrong or you don't agree with.

Use of force

If you are arrested, try to remain calm. If you are resisting arrest, the police are allowed to use 'reasonable force' to restrain you.

Police should not use any physical force at all if you don't resist arrest.³⁰³ If you have been hurt during the arrest, you have the right to see a doctor as soon as possible. It is hard to say what 'reasonable force' means. It doesn't mean that the police can be cruel to you. They shouldn't use any more force than is necessary to make you go with them. It is up to the Magistrate who hears your matter to decide if the police were being 'reasonable' or not.

Resisting arrest

You should not resist arrest even if you think the police are wrong. You may be charged with resisting arrest,³⁰⁴ hindering a police officer and even assaulting a police officer. There are serious penalties for assaulting a police officer.³⁰⁵ If you think you have been wrongly arrested, you should get advice from a lawyer as soon as possible.

300 Ibid s 23K.

301 Ibid s 252G(2).

302 Ibid.

303 Ibid s 221.

304 Ibid.

305 Criminal Code 2002 (ACT) s 361(1).

Police are not allowed to hold you if you have not been arrested or charged. You should always ask them if you have been arrested or charged before you try to leave the police station.

Being Charged & Bail

What will happen if the Police charge me?

If you have been arrested, the police have 4 hours to decide whether to charge you with an offence, or let you go.³⁰⁶

If you are a child and are charged, the police must quickly take all reasonable steps to tell your parent, or someone with daily or long-term care for you.³⁰⁷ Once you are charged one of four things can happen:

- You may be released without bail;
- You may be asked to sign a Voluntary Agreement to appear at Court; (VATAC), or be given a summons to appear in court at a later time;
- You may be released on bail either by the police or Court; or
- You may be refused police bail and be put before the Magistrates Court for a bail application as soon as practicable.

If the court agrees to release you on bail you will need to turn up to court when you are told. When you are released on bail you may have certain conditions placed on you such as having to live at a certain place or reporting to the police station every few days.³⁰⁸

If you are given bail you may be asked to provide a 'surety'. This means that a parent, guardian or friend over 18 promises to pay a specified amount of money if you don't attend court when you are required to.³⁰⁹

What if Bail is refused?

If the police refuse you bail, you must be taken before a court as soon as possible. This will normally happen before 10am the next working day. If you have to stay in police custody overnight, you will be taken to the City Police Station Watch House (or detention centre if you are charged on a Saturday). You must be given facilities to bathe, clean your clothes and shave.³¹⁰

If the court refuses to release you on bail, you will be kept at a detention centre until your case is ready to be heard in court again. This could be as long as 2 to 3 weeks.

306 Crimes Act 1914 (Cth) ss 23C(4)(b), 23DA(7); Crimes Act 1900 ss 186(1).

307 Crimes Act 1900 (ACT) s 252K.

308 Bail Act 1992 (ACT) s 25(1).

309 Ibid s 25(1)(b).

310 Ibid s 18.

Bail can be refused if:

- You haven't turned up to court in the past when you were on bail;
- You don't have a fixed address;
- You don't give your correct name and address;
- You have committed a serious offence or have previous convictions;
- The police think that by giving you bail you will make it difficult for the police to investigate the crime; or
- If there is a real risk you may re-offend or interfere with a witness.³¹¹

Protective Custody – Detention of Intoxicated People

You may be taken into 'protective custody' if a police officer thinks that you are drunk and a danger to yourself or to others.³¹² If an officer decides that there is no other reasonable option for your care and protection, such as getting a friend or family member to come and take you home, you can be taken to the police station and kept in a cell for up to 8 hours.³¹³

Police Searches during Arrest

If you are under arrest the police may search you if they reasonably believe you have items relevant to the offence you committed.³¹⁴ If practical, someone who is the same sex as you should do this search.³¹⁵

If you are under arrest the police can also search your bag and your personal possessions.³¹⁶

The police can take ('seize') anything they think might have something to do with a crime. They must make a list of everything you are carrying.³¹⁷

Strip Searches

If you are under the age of 18, a parent or guardian should be told about the strip search.³¹⁸ Someone who is the same sex as you, or a doctor, must do the search.³¹⁹

The search must be done in a private area and there must be a parent, guardian or adult who can represent your interests with you during the search.³²⁰

311 Ibid s 22(b).

312 Intoxicated People (Care and Protection) Act 1994 s 4.

313 Ibid.

314 Crimes Act 1900 (ACT) s 224.

315 Ibid s 240.

316 Ibid s 229.

317 Ibid s 229.

318 Children and Young People Act 2008 (ACT) s 251; Crimes Act 1900 (ACT) s 228(1)(f).

319 Children and Young People Act 2008 (ACT) s 253(3); Crimes Act 1900 (ACT) s 227.

320 Crimes Act 1900 (ACT) ss 227-228.

Fingerprints, swabs and blood tests

If you are under 18, the police need the permission of a Magistrate before they can take your fingerprints or your photograph.³²¹ They also need a Magistrate's permission if they want to take blood or any other sample from your body. Only a medically qualified person, such as a doctor or nurse, can take body samples.³²² An adult (parent, friend or Interview Friend) must be there during the collection of physical evidence.³²³

Identification parades (police line-ups)

You do not have to participate in a police line-up unless you agree to or say you want to attend. You cannot participate in a line-up if you are under 10 years old.³²⁴

If you are between the ages of 10 to 18, your parent or guardian must agree to the holding of a line-up in writing.³²⁵ If you, or your parent or guardian, do agree to be in a line-up you will need to agree in writing.³²⁶ Also, written agreement must be provided by someone who 'represents your interests', such as your parents or guardians.³²⁷

A Magistrate can order you to go into a line-up if:

- You have said 'yes', but your parents or guardian have not; or³²⁸
- Your parents or representative have said 'yes', but you did not.

Complaints about Police

If you feel that the police have treated you badly you should ask to speak to the most senior police officer available at the station. You should say that you believe you have been treated badly by a police officer and that you intend to make an official complaint. You can make a complaint at the police station. Make sure that you talk about your complaint with a senior police officer. You can also make a complaint for someone else who has been treated badly by the police.

Call the Ombudsman's Office as soon as you can after you have been released from police custody. This is the place to lodge an official complaint against the police.

321 Crimes (Forensic Procedures) Act 2000 (ACT) ss 23 and 32.

322 Ibid s 53.

323 Ibid s 57.

324 Crimes Act 1900 (ACT) s 234(1).

325 Ibid.

326 Ibid.

327 Ibid.

328 Ibid.

If you need more information about making a complaint against the police you can call Legal Aid ACT or the Youth Law Centre ACT.

Ombudsman	www.ombudsman.gov.au	1300 362 072
Youth Law Centre ACT	www.legalaidACT.org.au	6173 5410
Legal Aid ACT	www.legalaidACT.org.au	1300 654 314

SCHOOL

Going to School

If you are over 6 years old and under 15 years old, you have to go to school.³²⁹ You have to go to all your classes on each day that your school is open.³³⁰ You also have to go to and participate in school activities that are compulsory.³³¹

The only time you can miss school is if you have a good reason.³³² An example of a good reason for missing school is when you are too sick to go.

If your parent or guardian lets you miss school or school activities without a good reason, they are breaking the law and could be fined.³³³

Leaving School

You can't legally leave school until you are at least 17 or have finished Year 12, unless you are over 15 and have enrolled in other education/training or full time employment.³³⁴

If you want to leave school before 17, you need to get permission from the ACT Department of Education & Training ('Department'). Specifically you will need to get an 'Approval Statement' from the Department saying that you can complete work-related training or employment after completing Year 10.³³⁵

329 Education Act 2004 (ACT) ss 9-10.

330 Ibid s 10A(2)(a).

331 Ibid s 10A(2)(b).

332 Ibid s 10A(3).

333 Ibid s 17A.

334 Ibid s 9.

335 Ibid s 13D(1).

To get permission to leave school you need to have a good reason. You will normally need to do one of these things:

- Get a doctor's certificate stating that you have a long-term illness;
- Ask the Department's permission to let your parents educate you at home;
- Prove that there is no adequate school accommodation; or
- Convince the Department that there is a good reason why you should be excused from going to school (such as a different training or employment opportunity).³³⁶

Working while you are still at school

It is against the law for you to get a full-time job until you are over 15.³³⁷ Work experience is not included in this.³³⁸

If you are under 15, you can get a job, but you can only do certain kinds of work. If you are under 15, you can either:

- Do 'light work' in a business run by your parents;³³⁹ or
- Do 'light work' for someone else for up to 10 hours each week.³⁴⁰

If you are under 15 and your parents don't run their own business, here are some examples of 'light work' that you can do for someone else:

- Babysitting or odd jobs;
- Caddying at a golf course;
- Office work;
- Delivering newspapers or pamphlets;
- Performing as a musician, actor or sports person;
- Going on errands;
- Modelling;
- Gardening; or
- Working in a circus.³⁴¹

If you want to do work that is not considered 'light work', or if you want to work for more than 10 hours a week, your employer will need to tell and get permission from the Chief Executive of the Department of Education & Training.³⁴²

The number of hours you work must not interfere with or affect your education.

³³⁶ Ibid s 14A(2).

³³⁷ Children and Young People Act 2008 (ACT) s 782.

³³⁸ Ibid s 783.

³³⁹ Ibid s 797.

³⁴⁰ Ibid s 796.

³⁴¹ Children and Young People Regulation 2009 (ACT) reg 4.

³⁴² Children and Young People Act 2008 (ACT) s 799.

It is illegal for you to work when you are meant to be at school.³⁴³ It is also illegal for you to work if it is against your best interests. For example, when the work is likely to be harmful to your health, safety or development.³⁴⁴

For employers, it is an offence to employ a young person under the age of 17 to work during school hours if they are meant to be at school.

Youth Law Centre ACT	www.legalaidACT.org.au	6173 5410
Legal Aid ACT	www.legalaidACT.org.au	1300 654 314
ACT Department of Education and Training	www.det.act.gov.au	6207 5111

For more information about your rights at work, see the chapter in the handbook on 'Employment'. If you think that you are not being paid correctly, you are unsure of what your wage should be, or you think your employer might be using your age to pressure you to agree to unfair conditions, you can call:

Fair Work Australia	www.fairwork.gov.au	13 13 94
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If you think that you are being discriminated against or harassed at work, see the chapter in this handbook on 'Discrimination and Human Rights', or you can call:

ACT Human Rights Commission	www.hrc.act.gov.au	6205 2222
Australian Human Rights Commission	www.humanrights.gov.au	1300 656 419

For more information about workplace issues, see the chapter in this handbook on 'Employment'.

³⁴³ Education Act 2004 (ACT) s 13.

³⁴⁴ Children and Young People Act 2008 (ACT) s 782.

Suspension, transfer and exclusion from school

A suspension is when a student has to leave the school grounds for a short period of time (up to 20 school days) but can return after that period.

A transfer is when a student is moved from one Government school to another, and cannot return to the original school.

An exclusion is when a student is not allowed to attend Government schools in the ACT, either for an extended period of time or permanently.³⁴⁵ This is better known as 'expulsion'.

Government schools

You may be suspended or transferred if:

- You seriously interfere with the teaching/learning process;³⁴⁶
- You are aggressive, or physically or verbally abuse towards another student or a teacher or anyone else who is involved with the school;³⁴⁷
- You are involved with drugs; or
- You seriously misbehave.³⁴⁸

You will normally only be excluded from Government schools as a last resort. You might be excluded where:

- You have a continuing history of seriously disrupting the teaching / learning process or aggressive or violent behaviour at one or more schools;
- You have been given the opportunity to attend counselling or alternative education programs;³⁴⁹ and
- It is likely that you will continue to disrupt the teaching / learning process at any Government school or educational program which you attend.³⁵⁰

Before you are suspended, transferred or excluded, the Principal of your school must take certain steps. Normally, your Principal will need to:

- Talk to you about the reasons for your suspension, transfer or exclusion, and consider your opinion;³⁵¹

345 Education Act 2004 (ACT) s 3.

346 Ibid ss 36(1)(a)(i), 36(1)(a)(iv).

347 Ibid s 36(1)(a)(ii).

348 Ibid s 36(1)(a)(iii).

349 Ibid s 36(4)(b).

350 Ibid s 36(1).

351 Ibid s 36(4)(c).

- Write to your carer or parents explaining why the school wants to suspend, transfer or exclude you, and seek their opinion;³⁵²
- If you are being suspended, make sure that you have the opportunity to continue your learning while you are suspended;³⁵³
- If you are being excluded, make sure that you have had the opportunity to attend counselling and/or alternative education programs.³⁵⁴

Appealing a decision to suspend, transfer or exclude you from a Government school

If you do not agree with a decision to suspend, expel or transfer you from a Government school, you can appeal. By appealing the decision you are challenging it. You can also try to negotiate other schooling arrangements. You will need a good reason for your appeal.³⁵⁵

If you have been accused of something you didn't do, or you have been misunderstood, or if you believe that the process to suspend, transfer or exclude you was unfair in any way, you have a 'good reason' to appeal a decision.

You will be told in writing how to appeal a decision to suspend, transfer or exclude you. To appeal the school's decision, you or your parents should write a letter explaining why you disagree.³⁵⁶ You must give this letter to the person who made the decision.³⁵⁷

Department of
Education & Training

www.det.act.gov.au

6207 5111

Remember:

- You cannot be 'sent home' informally. The correct procedures must be followed; and
- You should not be suspended for minor misbehaviour, such as incorrect school uniform or failure to submit homework.³⁵⁸

Non-Government schools

If you are not at a Government school, different rules will probably apply to suspension, transfer or exclusion.³⁵⁹

³⁵² Ibid s 36(4)(a).

³⁵³ Ibid s 36(5)(d).

³⁵⁴ Ibid s 36(4)(b).

³⁵⁵ Ibid ss 141-142.

³⁵⁶ Ibid s 142(2).

³⁵⁷ Ibid s 142(3).

³⁵⁸ Ibid s 36(1)

³⁵⁹ Ibid s 75.

If you would like to understand why your school has excluded, suspended or transferred you, you could ask your Principal or Student Welfare Officer for a copy of those rules.

Youth Law Centre ACT	www.legalaidACT.org.au	6173 5410
Legal Aid ACT	www.legalaidACT.org.au	1300 654 314
ACT Department of Education and Training	www.det.act.gov.au	6207 5111

SEX AND RELATIONSHIPS

Sex and Consent

In the ACT it is legal for a person to have sex if:

- Both people are over the age of 16 years;³⁶⁰
- Both people freely consent to the experience;³⁶¹ and
- They are not family members.³⁶²

But, if you are over 16 and the other person is in a position of care or authority over you, it is illegal for them to have sex with you.³⁶³ For example, your bosses, your sport coaches, and teachers.³⁶⁴

Sexual intercourse means any penetration of the vagina or anus of a person by any part of the body of another person or by an object controlled by another person. It also includes oral sex.³⁶⁵

There are serious penalties for people who break these laws:

- The maximum penalty for having sexual intercourse with someone above 16 years of age without their consent is 14 years imprisonment.³⁶⁶
- The maximum penalty for having sex with someone under 16 years of age is 17 years imprisonment.³⁶⁷

It is not ok to be pressured into doing something that you are not comfortable with, or for you to pressure someone else. If you are feeling pressured by someone to do something you are not comfortable with there is information and support available.

360 Crimes Act 1900 (ACT) s 55(2).

361 Ibid s 67(1).

362 Ibid s 62.

363 Ibid s 55A(1).

364 Ibid s 55A(2).

365 Ibid s 50.

366 Ibid s 55(1).

367 Ibid s 55(1).

The Junction Youth Health Service	www.anglicare.com.au/services/youth-family/health/	6232 2423
Sexual Health and Family Planning	www.shfpact.org.au	6247 3077
Canberra Sexual Health Centre	www.health.act.gov.au/our-services/	6244 2184
Canberra Rape Crisis Centre	www.cccc.org.au	6247 2525
Lifeline	www.lifeline.org.au	13 11 14
Kids Helpline	www.kidshelpline.com.au	1800 55 1800

The age of consent for all other States and Territories is 16 years of age, except for South Australia and Tasmania where the age of consent is 17 years of age.³⁶⁸

Sexually Transmitted Infections (STIs)

Sexually transmitted infections (STIs) include chlamydia, gonorrhoea, Hepatitis A, herpes, HIV/AIDS, syphilis and Hepatitis C.³⁶⁹

Your Doctor

If you have a STI you have the responsibility to take the medication prescribed by your doctor and to be careful not to spread the infection.

If you have a STI, a doctor can disclose your medical condition to anyone they feel is at risk (like your partner).³⁷⁰ This means that the doctor can tell other people who are at risk.

268 Criminal Code Act Compilation Act 1913 (WA) ss 321(1); Crimes Act 1958 (Vic) s 45; Criminal Code Act 1924 (Tas) s 124(1); Crimes Act 1900 (ACT) s 55; Crimes Act 1900 (NSW) s 66C; Criminal Code Act 1983 (NT) s 127; Criminal Code Act 1988 (Qld) s 215; Criminal Law Consolidation Act 1935 (SA) s 49.

369 www.healthdirect.gov.au/sexually-transmitted-infections-sti.

370 Public Health Act 1997 (ACT) s 108.

Contraception

When can I see a doctor about contraception?

To go on the pill you need to get a prescription from a doctor. There are also other types of contraceptives for both men and women that require a medical prescription. Your doctor can tell you about the best contraceptive for you. The doctor must be satisfied that you understand their advice and that it is in your 'best interests' to receive that prescription without parental consent, otherwise they may want to tell your parents.

When can I buy condoms?

You can buy condoms at any age, from a supermarket or chemist. Places like Youth Centres, The Junction, and Directions ACT give away free condoms.

The Junction Youth Health Service	www.anglicare.com.au/services/youth-family/health/	6232 2423
Sexual Health and Family Planning	www.shfpact.org.au	6247 3077
Canberra Sexual Health Centre	www.health.act.gov.au/our-services/	6244 2184

Pregnancy, Abortion and Adoption

There are health and support services that can help you if you are pregnant.

Abortions are not illegal in the ACT.³⁷¹ But they may only be carried out by a registered medical practitioner in an approved medical facility,³⁷² and the patient must give informed consent. Also, abortion procedures in the ACT are rarely carried out after 12 weeks of pregnancy.

The ACT Adoptions and Permanent Care Unit is responsible for adoption arrangements for children whose birth parents make a plan of adoption.

If you are pregnant, there are places you can go for information and support, and to talk about your options.

³⁷¹ Health Act 1993 (ACT) s 81.

³⁷² Health Act 1993 (ACT) s 82.

For information about reproductive and health services available to women in the ACT, contact:

Women's Centre for Health Matters	www.wchm.org.au	6290 2166
Women's Information	www.communityservices.act.gov.au/women/Womens-Information-Empower,-Respect,-Connect	6205 1075
National Pregnancy Support Helpline	www.health.gov.au/pregnancy-helpline	1800 882 436

SOCIAL NETWORKING

Internet Usage

It is important to understand that even if you think what you are doing on the internet is private and “secure” your information and the content you share can be stored in places and used in ways that you will never know. What you post online or send through social networking apps never really disappears. Even images you send via Snapchat are stored on a server by Snapchat.³⁷³

By sending and uploading pictures, or scrolling through social media apps and sites, companies are constantly collecting information about you. Information they collect and store include your age, and other identifying information, how you use the app or site, what kinds of things you look at or follow, how long you look at particular things on your newsfeed, even your location. The apps and sites do not steal this information from you. In using them, you have agreed to their terms and conditions. The terms and conditions allow them to collect and store this information. Even if you delete your accounts, these companies can still continue to store and share your stored information.

The information that these companies collect and store about you are used to build your ‘social profile’. This profile is often sold to advertisers, who can use this information to target their advertising to you based on what you like, or where you go. These advertisers can also sell your information to other companies, and you can easily lose track and control of who has access to your personal information, and where it is.

³⁷³ <https://support.snapchat.com/en-US/a/guidelines>

Being smart online is very important. For more information about how to look after your private information online go to:

Bullying No Way!	www.bullyingnoway.com.au
Stay Smart Online	www.staysmartonline.gov.au
Think U Know	www.thinkuknow.org.au

Cyber bullying

Cyber bullying is the use of technology or online services to bully a person or group with the intent to hurt them socially, psychologically or even physically.³⁷⁴ This can include using text messages, email, blogs, chat rooms in video games, Facebook, Instagram, Snapchat or other social networking to send upsetting messages or comments.

Some examples of cyber bullying include:

- Sending cruel, threatening or unwanted messages;
- Putting up embarrassing photos of someone on the internet;
- Creating fake profiles for somebody else;
- Teasing and making fun of others online; and
- Trolling.

What is trolling?

Trolling can be considered a specific type of cyber bullying. An 'internet troll' is someone who deliberately causes distress or harm by posting abusive or hurtful comments to try and get a response online, especially on social media or in public forums.³⁷⁵ This is usually done anonymously and is visible to a large audience.

Is cyber bullying illegal?

In the ACT, cyber bullying can be illegal if it involves stalking, threats, harassment or is defamatory. Using a computer or phone to harass, menace or offend someone can be illegal.³⁷⁶ This includes using Facebook, Instagram, Snapchat or Twitter.

³⁷⁴ www.esafety.gov.au/esafety-information/esafety-issues/cyberbullying.

³⁷⁵ <https://bulliesout.com/need-support/young-people/trolling/>.

³⁷⁶ Criminal Code Act 1995 (Cth) s 474.17.

Types of Harassment

Stalking

Stalking is a crime in the ACT. It can include the repeated use of electronic messages to cause apprehension ('anxiety') or fear of harm, in the person being stalked. The penalty can be up to 5 years imprisonment.³⁷⁷

Threats

It is illegal to make threats against people online or through electronic messages. A threat to seriously hurt or kill (even if it is made jokingly) might be an offence if you are reckless about how the other person would respond (i.e. if they would be fearful or believed the threat would be carried out).³⁷⁸ The penalty can be up to 10 years imprisonment.

Defamation

Online defamation includes posting knowingly false comments, slander about someone, or comments which subject someone to hatred or ridicule on social media or other online platforms.³⁷⁹ Defamation may result in criminal offences,³⁸⁰ and the other person may start a defamation lawsuit against you.³⁸¹

How can I protect myself from being cyber bullied?

Do not give out passwords, names, addresses, phone numbers or pictures to people who you do not know or trust.

Don't add people on Facebook, Instagram, Snapchat, Twitter etc., who you don't know or trust.

Make your social media accounts private, preventing people you do not know from seeing your information and activities.

Block and report people and trolls who you suspect are cyber bullying.

What can I do if I'm being cyber bullied?

Tell someone about it. Such as a parent, family friend, older sibling or trusted adult.

Don't reply to messages from a bully. Block the sender's messages and keep the messages (with the time and date it was sent) as evidence.

³⁷⁷ Crimes Act 1900 (ACT) ss 35(1), 35(2)(f).

³⁷⁸ Ibid ss 30 – 31.

³⁷⁹ See, e.g. *Mick v Farley* [2013] NSWDC 295.

³⁸⁰ Crimes Act 1900 (ACT) s 439.

³⁸¹ *Dow Jones & Co Inc v Gutnick* [2002] HCA 56, [44] (Gleeson CJ, McHugh, Gummow and Hayne JJ), [56] (Gaudron J), [165] (Kirby J), [184] (Callinan J).

Tell the school if you are being bullied by another student. Let a teacher or counsellor know.

Report incident of online harassment or physical threats to the local police and your internet/phone service provider.

What if my school hasn't been able to stop the bullying?

Make a complaint to the Director for Families and Students at the ACT Education Directorate. They are the key contact for parents, students and the community to raise concern when they are not happy with a school's response to an issue.

ACT Education Directorate	familiesandstudents@act.gov.au	6207 3723
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If you are unhappy with the Education Directorate's response, you can make a further complaint to the ACT Ombudsman.

ACT Ombudsman	www.ombudsman.act.gov.au/	1300 362 072
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Get Help

Bullying No Way!	www.bullyingnoway.com.au	
Stay Smart Online	www.staysmartonline.gov.au	
NetSmartz Internet Safety	www.netsmartz.org	
Think U Know	www.thinkuknow.org.au	
Kids Helpline	https://kidshelpline.com.au/	1800 55 1800

Sexting

What is 'sexting'?

Sexting is the creating, sending or posting of provocative or sexual photos, messages or videos.³⁸² 'Sexts' are generally sent using a mobile phone, but can include posting it online. Sexting can even include using Photoshop to make someone look naked. Sending a nude image is sexting.

Is sexting a crime?

Sexting can be criminal if the sext is:

- considered under the law to be child pornography;³⁸³
- a sexually suggestive communication to someone under the age of 16;³⁸⁴ or
- involves sharing intimate images without consent.³⁸⁵

Child Pornography

The definition of child pornography is different in each State or territory. In the ACT, a sext which has an image could be considered child pornography if it depicts or represents:

- The sexual parts of a child (under 12 years old);³⁸⁶
- A child engaged in an activity of a sexual nature; or
- Someone else engaged in an activity of a sexual nature in the presence of a child.³⁸⁷

It is an offence to create child pornography. If you produce material of someone under the age of 12 (in the ACT) which fits the description of child pornography above, you may be charged with child pornography offences, even if the person in the image consented (agreed) to the image being created. This is true even if the image is of you.³⁸⁸

If you have these types of sexts in your possession, or if you send them to other people, you may also be charged with a criminal offence.³⁸⁹

It doesn't matter what gender the person who committed the crime is. Anyone can be held criminally responsible for child pornography offences if they over a certain age.

382 www.esafety.gov.au/esafety-information/esafety-issues/sexting.

383 Crimes Act 1900 (ACT) ss 64, 64A, 65.

384 Ibid s 72D.

385 Ibid s 72C.

386 Ibid s 64(1)(b).

387 Ibid s 64.

388 Ibid s 65.

389 Ibid s 64A.

Other Sexually Suggestive Communications

Sexts may also have serious criminal consequences even if they don't include sexual imagery of people under the age of 16. The criminal offence is called 'grooming and depraving young people'.³⁹⁰

It is also a criminal offence to send sexts to people under the age of 16:

- Suggesting they take part in an act of a sexual nature; or
- Inviting them to be present when another person participates in an act of a sexual nature.³⁹¹

It is also a criminal offence to send or make available (such as by posting it online for other people to see) pornographic material with someone under the age of 16.³⁹²

What are the consequences?

Offences related to sexting are very serious, and the maximum penalties are also serious. The maximum penalties range from 7 to 12 years imprisonment for ACT offences, and 15 years imprisonment for Commonwealth offences. If you are charged with a more minor offence (which is completely up to the police) you may be fined.

If you are charged with any of the offences above, you can also be put on the Sex Offenders Register. This means that you will not be able to work with children, and you will have to report on personal details such as employment, travel plans, and the children you might have contact with.³⁹³

If you were under 18 years of age when the offences occurred, the requirements to report your personal details will last 4 years for a single offence, or 7.5 years if convicted of multiple offences.³⁹⁴ If you were aged 18 years or more at the time of the offences, the obligation to report your details can last for the rest of your life.³⁹⁵

Intimate Images

In 2017, the ACT Government created a new law to make it illegal to send, supply or make available for other people to see intimate images if the person in the image has not consented to it being shared.³⁹⁶ 'Make available' includes showing other people or posting it online.

³⁹⁰ Ibid s 66.

³⁹¹ Ibid.

³⁹² Ibid.

³⁹³ Crimes (Child Sex Offenders) Act 2005 (ACT) ss 8-9, 37-61.

³⁹⁴ Ibid s 89.

³⁹⁵ Ibid ss 84-87.

³⁹⁶ Crimes Act 1900 (ACT) ss 72A, 72B.

Intimate images' means:

- Image of a person's private parts;
- Image of a person undressing, using the toilet, shower or bathroom, engaging in a sexual or similar activity; and
- An image altered to show a person's private parts or undressing, using the toilet, shower or bathroom, engaging in a sexual or similar activity.³⁹⁷

It is illegal to distribute intimate images non-consensually no matter what the age of the person in the intimate image is.³⁹⁸ The maximum penalty is 3 years imprisonment, \$45,000 in fines, or both.³⁹⁹

It is also illegal to threaten to take or distribute intimate images.⁴⁰⁰

If the person in the image is under 16 years of age, they cannot consent (agree) to have these types of nude images taken, shared or shown to anyone else. If the person in the image is under 16, the legal consequences are greater. The maximum penalty is 5 years imprisonment, \$75,000 in fines, or both.⁴⁰¹ However, the defendant may have a defence available where the person in the image is under 16 and no more than 2 years younger than the defendant.⁴⁰²

This area of law is really difficult to understand. If you are worried or want to know more, get legal advice.

When are you criminally responsible?

If you are aged between 10-14 years, and have done any of the activities mentioned above, including cyberbullying and sexting, you can only be held criminally responsible if you knew your actions were wrong. By 'criminal responsibility' we are talking about the ability of a person to commit a criminal act.⁴⁰³

If you are aged over 14 years, you can be held criminally responsible for an offence regardless of what you knew about the seriousness of your actions.

397 Ibid s 72A.

398 Ibid s 72C.

399 Ibid.

400 Ibid s 72E.

401 Ibid s 72D.

402 Ibid s 72D(2).

403 Criminal Code 2002 (Cth) s 26.

Youth Law Centre ACT	<u>www.legalaidACT.org.au</u>	6173 5410
Kids Helpline	<u>www.kidshelpline.com.au</u>	1800 55 1800

A FEW OTHER THINGS

Voting in elections

If you are an Australian citizen, you must register to vote when you turn 18.⁴⁰⁵ You are able to place your name on the register from the time you turn 17.⁴⁰⁶ To do this you need to fill out an 'enrolment form' from any post office or the ACT Electoral Commission.⁴⁰⁷

Every time you move house you will need to update your enrolment details.⁴⁰⁸ You can do this by filling out another enrolment form from any post office or ACT electoral commission. You can be fined more than \$150 if you don't update your details.⁴⁰⁹

It is important to keep your enrolment details up to date because as soon as an election is called you may only have three days to enrol/update your enrolment and could miss out on being able to vote.⁴¹⁰

It is compulsory to vote in all elections.⁴¹¹ If you don't vote in a Federal election you will be fined up to \$150. If you do not vote in an ACT election, you will be fined up to \$75.⁴¹²

405 Commonwealth Electoral Act 1918 (Cth) s 93(1)(a).

406 Ibid s 100(1).

407 Ibid.

408 Ibid s 101(5)(a)-(b).

409 Ibid s 101(6).

410 Ibid s 155.

411 Ibid s 245(1).

412 Commonwealth Electoral Act 1918 (Cth) s 245(15); Electoral Act 1992 (ACT) s 73(3).

Tattoos and body piercing

You can legally get a tattoo once you have turned 18.⁴¹³ It is important to be sure that you want a tattoo because it is permanent.

If you want a tattoo and you are under 18, a parent or guardian must give you permission in writing. This letter must say that your parent or guardian agrees to you getting a tattoo and that they know where it is going to be located on your body.⁴¹⁴

Legally, you don't need parental permission to have a body piercing, but professional body piercers usually require it.

There are risks involved with both tattooing and body piercing and you need to think about these very carefully. For example, there is the risk of contracting serious infections, and transmission of diseases like Hepatitis B and C and HIV/AIDS, as well as possible scarring or allergic reactions.

Ask the staff how they sterilise their equipment, whether they reuse sterilised needles, check that their studio is clean and ask the staff and the tattooist or body piercer questions. You might want to talk to your friends about where they had their tattoos or piercings done, or talk to your GP to help you make an informed decision about your tattoo or piercing.

Changing your name

There are two ways you can change your name:

- By usage; or
- By applying to Access Canberra.

Can I use a different name?

You can informally change your name just by calling yourself something different. This is known as 'usage'.⁴¹⁵ It means that you can use another name as long as it isn't for a fraudulent or improper purpose. For example, using someone else's chequebook or using a false name on an order form and not paying for what you ordered, are criminal offences.⁴¹⁶

⁴¹³ Children and Young People Act 2008 (ACT) s 877.

⁴¹⁴ Ibid.

⁴¹⁵ Births, deaths and marriages registration Act 1997 (ACT) s 22.

⁴¹⁶ See Criminal Code 2002 (ACT) part 3.3-3.4.

'Usage' doesn't officially change the name on your birth certificate. It can still be difficult for you to get a passport or open a bank account in the name you use, if you haven't changed your name officially.

Can I officially change my name?

You can change your name officially if you are over 18 by registering the change with Access Canberra. You will need to fill out a form to do this. If you were born here or have lived here for more than three months.⁴¹⁷ If you were born in another State or Territory, you will need to show that you currently live in the ACT.

If you are under 18, you can only legally change your name if you have the permission of both your parents.⁴¹⁸

Call Access Canberra or visit the website for information about birth certificates and changing your name.

Access Canberra	www.accesscanberra.act.gov.au/	6207 0460
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Making a will

A Will lets you to decide what will happen to your belongings when you die. You can make a Will if you are 18 or the Supreme Court says that you can.⁴¹⁹

If you want to make a Will it has to be in writing. A Will has to be in a specific format and signed in front of two witnesses.⁴²⁰

Please note that Legal Aid ACT and the Youth Law Centre ACT do not help in writing Wills. They can give you more information about Wills.

Public Trustee and Guardian	www.ptg.act.gov.au/	6207 9800
Youth Law Centre ACT	www.legalaidACT.org.au	6173 5410
Legal Aid ACT	www.legalaidACT.org.au	1300 654 314

417 Births, Deaths and Marriages Registration Act 1997 (ACT) ss 18, 21(2).

418 Ibid ss 19-20.

419 Wills Act 1968 (ACT) ss 8-8A.

420 Ibid s 9.

USEFUL PHONE NUMBERS AND WEBSITES

Legal - Complaints - Advocacy

Youth Law Centre ACT	www.legalaidACT.org.au	6173 5410
Legal Aid ACT	www.legalaidACT.org.au	1300 654 314
Canberra Community Law	www.canberracommunitylaw.org.au/	6218 7977
Street Law (Canberra Community Law)	www.canberracommunitylaw.org.au/street-law.html	1800 787 529 6218 7995
Women's Legal Centre	www.womenslegalact.org	1800 634 669 6257 4499
Tenants Union	www.tenantsact.org.au	6247 2011
Aboriginal Legal Service NSW/ACT	www.alsnswact.org.au	6120 8802
Care Inc & Consumer Law Centre	www.carefcs.org	1800 007 007
Disability Discrimination Law	www.canberracommunitylaw.org.au	6218 7918

Conflict Resolution Service	www.crs.org.au	6190 7100
Environmental Defenders' Office	www.edoact.org.au/	6243 3460
Public Advocate	www.publicadvocate.act.gov.au	6207 0707
ACT Human Rights Commission	www.hrc.act.gov.au	6205 2222
Australian Human Rights Commission	www.humanrights.gov.au	1300 656 419
ACT Ombudsman	www.ombudsman.act.gov.au	1300 362 072
Commonwealth Ombudsman	www.ombudsman.gov.au	1300 362 072
Public Trustee and Guardian	www.publictrustee.act.gov.au	6207 9800
Fair trading for consumers	www.accesscanberra.act.gov.au/app/answers/detail/a_id/2270	13 22 81 (Access Canberra)
Youth Law Australia / LawStuff	www.ncylc.org.au www.lawstuff.org.au	9385 9588
ACT Law Society	www.actlawsociety.asn.au	6247 0300

Youth Centres

Belconnen Youth Centre	www.bcsact.com.au/facility/belconnen-youth-centre/	6264 0200
Woden Youth Centre	wvcc.org.au/woden-youth-centre/	6282 3037
Tuggeranong Youth Resource Centre	www.commsatwork.org	6293 2146
Northside Community Service	northside.asn.au/	6171 8000
Mura Lanyon Youth and Community Centre	ywca-canberra.org.au/community-services/mura-lanyon-community-centre/	6294 4633
Communities @ Work	www.commsatwork.org	6293 6500
Gugan Gulwan Youth Aboriginal Corporation	www.gugan-gulwan.com.au	6296 8900
PCYC (Police Citizen Youth Club)	www.pcy.net.au	6296 7822
Multicultural Youth Service	www.mys.org.au	6100 4611

Housing

Housing ACT enquiries	www.communityservices.act.gov.au/hcs	13 34 27
Housing Contact Service (NSW)	www.service.nsw.gov.au/nswgovd/irectory/housing-contact-centre	1800 422 322
Canberra Community Law	www.canberracommunitylaw.org.au/	6218 7977

Refuges and supported accommodation

OneLink	www.onelink.org.au	1800 176 486
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Employment

Australian Tax Office enquiries	www.ato.gov.au	13 28 65
Fair Work Ombudsman	www.fairwork.gov.au	13 13 94
Fair Work Commission	www.fwc.gov.au	6100 4611
Work Safe ACT	www.worksafety.act.gov.au	13 22 81 (Access Canberra)
Unions ACT	www.unionsact.org.au	6225 8116
Australian Council of Trade Unions	www.actu.org.au	1300 486 466

School

ACT Department of Education	www.education.act.gov.au	6207 5111
Galilee School (Communities@Work)	commsatwork.org/services/community/galilee-school/	6293 6500
Youth Education Program (YEP)	www.anglicare.com.au/services/youth-family/education/	6232 2481 or 6232 2419

Centrelink (Department of Human Services)

Centrelink payment enquiries	www.humanservices.gov.au	1800 176 486
Youth and Student Services	www.humanservices.gov.au	13 24 90
Family Assistance Office	www.humanservices.gov.au	13 61 50
ABSTUDY	www.humanservices.gov.au	1800 13 23 17
Centrelink appointments	www.humanservices.gov.au	13 10 21
Canberra Community Law	www.canberracommunitylaw.org.au	6218 7977

Health

The Junction Youth Health Service	www.thejunction.org.au	6232 2423
Winnunga Nimmityjah Aboriginal Health Services	www.winnunga.org.au	6284 6222
Sexual Health and Family Planning	www.shfpact.org.au	6247 3077
Canberra Sexual Health Centre	health.act.gov.au/our-services/sexual-health	6244 2184
Women's Centre for Health Matters	www.wchm.org.au	6290 2166
ACT Human Rights Commission	www.hrc.act.gov.au	6205 2222
Medicare enquiries	www.humanservices.gov.au	13 20 11
Australian Red Cross Blood Service	www.donateblood.com.au	13 14 95
Australian Organ Donor Register	www.humanservices.gov.au	1800 777 203
ACT Health enquiries	www.health.act.gov.au	13 22 81
Mental Health ACT	health.act.gov.au	6205 1065 or 1800 629 354
Healthdirect Australia (24 hour health advice line)	www.healthdirect.org.au	1800 022 222

Violence

Police (Emergency)	www.police.act.gov.au	000
Police assistance (where there is no immediate danger)	www.police.act.gov.au	131 444
Domestic Violence Crisis Service	www.dvcs.org.au	6280 0900
Legal Aid Domestic Violence and Protection Orders Unit	www.legalaidact.org.au	6207 1874
Service Assisting Male Survivors of Sexual Assault	samssa.org.au	16247 2525
Canberra Rape Crisis Centre	crcc.org.au	6247 2525
ACT Magistrates Court	www.courts.act.gov.au/magistrates	6205 0000

Family Separation

Family Courts of Australia	www.familycourt.gov.au -	1300 352 000
Relationships Australia	www.relationships.org.au	1300 364 277
Family Relationships Advice Line	www.familyrelationships.gov.au	1800 050 321
Family Relationships Centre	www.familyrelationships.gov.au	

Parenting

Parentline	www.parentline.com.au	1300 30 1300
Child Support (Department of Human Services)	www.humanservices.gov.au	131 272
Births, deaths, marriages & civil partnerships	www.accesscanberra.act.gov.au	13 22 81 (Access Canberra)

Care and Protection

ACT Child and Youth Protection Services	www.communityservices.act.gov.au	13 22 81
Public Advocate ACT	www.publicadvocate.act.gov.au	6207 0707
Barnardos Australia	www.barnardos.org.au	6228 9500 (ACT) 1300 237 507 (NSW)
CREATE Foundation	www.create.org.au	1800 655 105

Crime

ACT Magistrates Court	www.courts.act.gov.au/magistrates	6205 0000
ACT Children's Court	courts.act.gov.au/magistrates/courts/childrens_court	6207 1746
Legal Aid ACT	www.legalaidACT.org.au	1300 654 314

Diversionary programs

Community Health Centres	health.act.gov.au/community-health-centres	6207 9977
Court Alcohol and Drug Assessment Service	www.health.act.gov.au	6207 9977
Counselling and treatment service	health.act.gov.au/services-and-programs/	6207 9977
ACT Restorative Justice Unit	www.justice.act.gov.au	13 22 81 (Access Canberra)
Domestic Violence Crisis Service	www.dvcs.org.au	6280 0900

Victims of Crime

Victims Support ACT	www.victimsupport.act.gov.au	1800 822 272 or 6205 2066
Canberra Rape Crisis Centre	crcc.org.au	6247 2525
Youth Law Centre ACT	www.youthlawact.org.au	6173 5410
Directions ACT	www.directionsact.com	6132 4800

Drugs and Alcohol

Quit Line	www.quitnow.gov.au	13 78 48
Arcadia House	www.directionshealth.com/arcadia-house	6132 4800

Cars and Driving

Road Ready (ACT)	www.roadready.act.gov.au	6282 8990 (Phillip) 6162 5152 (Watson)
Stay Upright Motorcycle Techniques	www.stayupright.com.au	6297 1144
Register of Encumbered Vehicles	www.revs.com.au	1300 799 523
Access Canberra	www.accesscanberra.act.gov.au	13 22 81

Money and buying stuff

CARE Financial Counselling and Consumer Law Centre	www.carefcs.org	1800 007 007
ACT Human Rights Commission	www.hrc.act.gov.au	6205 2222

Discrimination

Australian Human Rights Commission	www.humanrights.gov.au	1300 369 711
Disability Discrimination Law	www.canberracommunitylaw.org.au	6218 7918

Support and counselling services

Kids Help Line	www.kidshelp.com.au	1800 55 1800
Menslink	www.menslink.org.au	6239 4699
EveryMan	www.everyman.org.au	6230 6999
Salvation Army Counselling Service	www.salvos.org.au	6248 5504

General Information

Relationships Australia	www.relationships.org.au	1300 364 277
Child & Adolescent Mental Health (CAMHS)	www.health.act.gov.au	6205 1050
Crisis Assessment & Treatment Team	www.healthdirect.gov.au/crisis-management	1800 629 354
Mental Health Foundation ACT	www.mhf.org.au	6282 6658

Catholic Care	www.catholiccare.cg.org.au	6295 4300
Women's Information and Referral Centre	www.dhcs.act.gov.au	6205 1075
Public Trustee for the ACT	www.publictrustee.act.gov.au	6207 9800
Public Interest Advocacy Centre	www.piac.asn.au	8898 6500
Citizens Advice Bureau	www.citizensadvice.org.au	
Federal Register of Legislation	www.comlaw.gov.au	
ACT Legislation	www.legislation.act.gov.au	
NSW Law and Justice Foundation	www.lawfoundation.net.au	

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Access Canberra	www.accesscanberra.act.gov.au	13 22 81
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