



Becoming Independent

This fact sheet deals with issues you may come across as you grow older, and things that you can and can't do at certain ages. This fact sheet covers the basic laws that apply to issues such as school, looking for work, leaving home, driving, voting and relationships. This information sheet details laws in Victoria.

School

In Victoria you must attend school until you're 16 unless you have a reasonable excuse such as:

- you are home schooled (given proper and regular lessons at home);
- there is no school within 5km and you are learning by correspondence;
- you are very ill or unable to get to school;
- the Education Department has exempted you from attending school for a specific reason -
 - for example: you had to leave school to work because your parents are very ill or suffering severe hardship.

When can I get a job?

- The minimum age for working in Victoria is 13. However, if you are older than 11 you can have a job delivering newspapers etc.
- Restrictions apply to you if you are under 15 years old. You will need a permit to work. Permits are free and your parents can apply. Your employer and your school must sign off on the application. People under the age of 15 can only work without a permit if the work is occasional and involves:
 - Helping out in a family business
 - Posing for still photographs
 - Participating in sports events
 - Taking part in a non profit educational, charitable or religious activity.
- If you are over 13, you are permitted to do work experience for up 40 days a year, but no more than 10 days at the same place of employment.

When can I get my licence?

- You can only drive a car or ride a motor bike on public roads in Victoria if you have a learner's permit or drivers licence.
- You can apply for your learner's permit to drive a car when you are 16 and for a learner's permit to ride a motor bike when you are 18.
- You must be 18 to apply for a driver's licence.
- Once you get your licence you will remain on your P-plates (probationary license) for 3 years. There are new laws are coming into effect on the 1/7/07 that will affect drivers under 25 years.

Young Peoples Legal Rights Centre
Inc No A0041616E
ABN 12 794 935 230

www.youthlaw.asn.au

Tel 9611 2412 Fax 9620 3622 Email info@youthlaw.asn.au
At Frontyard, 19 King Street, Melbourne VIC 3000

When can I vote?

- You can register to vote once you turn 17.
- Once a young person reaches the age of 18 it is compulsory to vote in state, federal and local council elections.
- Failure to vote results in punishment by the issuing of a fine by the Victorian Electoral Office.
- To vote in federal, state and local council elections, you must be correctly enrolled on the electoral roll. The electoral roll is a list of electors' names and addresses that is used to determine who can vote at elections. You only need to enrol once to vote at federal, state and local council elections. To do this complete an enrolment form which is available from the Victorian Electoral Commission <http://www.vec.vic.gov.au/enrolment.html>

Leaving home

- When you are 17 you can leave home if you wish to.
- If you leave home before you're 17 and someone thinks you're at risk of suffering significant harm, they can report the situation to the Department of Human Services. If the department is concerned for your safety they can ask the Family Division of the Children's Court to make an order to protect you. The department is unlikely to take you to court if you:
 - have somewhere decent to live;
 - have enough money to live on;
 - are mentally healthy;
 - are not involved with drugs, prostitution or any other illegal activities.
- The court may order that you live somewhere else, like with another family or in a residential unit with other people your age.

Renting a home

- If you're under 17 you can rent a house or a flat so long as you're not considered to be at risk of suffering significant harm (see above).
- You usually have to sign a lease when you rent a house or apartment. This is a contract between the property owner and the tenant/s.
- You also have to pay a bond. This is usually one month's rent. You will get it back when you move out if you've paid your rent and kept the place in good condition.
- For your first application, you can apply for Bond Assistance from the Office of Housing.
- If you damage the place the owner may keep part or all of your bond.
- The owner is responsible for getting repairs done to maintain the place.
- If you don't pay the rent you may be evicted.
- You may be able to get rent assistance if you get a Centrelink payment.
- Breaking a lease is possible but it can be difficult and if you don't plan carefully it can also be costly.

Centrelink Support

You may be eligible for Centrelink support. Centrelink is a government organisation that can give money to young people who don't have financial support while they are looking for work or studying.

- If you're 16 and are unemployed you can register with Centrelink.
- You may also be eligible for Youth Allowance payments if you're studying full time and are aged between 16 and 25.

Youth Allowance

If you single and under 18 and live:

- at home = \$190.50
- away from home = \$348.10*

If you are single and 18 and over, and live

- away from home = \$348.10*
- at home = \$299.10

* If you live away from Home you may also be eligible for Rent Assistance - the amount you get will depend on how much rent you pay a fortnight

If you get Youth Allowance you must meet certain Activity requirements as a condition of your payment. To meet these requirements you must:

- demonstrate that you are actively looking for suitable paid work;
- accept suitable work offers;
- attend all job interviews;
- agree to attend approved training courses or programs;
- never leave a job, training course or program without a good reason.

If you are studying full-time and getting Centrelink you need to pass your subjects and finish your course in the allotted time.

If you fail to meet your activity/study requirements:

- Your payments may be stopped;
- For serious or repeated failures your payments may be stopped or suspended for an 8-week period.
- See Youthlaw's Centrelink information sheets for more information about Participation Failures.

You need to tell Centrelink if your circumstances have changed.

- You need to tell Centrelink within 14 days of any changes in your circumstances.
- If you do not you may be overpaid, which could result in a debt and you will have to pay back money as well as possibly pay a recovery fee.
- If you go on holiday (for up to 13 weeks) you can still get Centrelink if you tell them before you leave. If you don't your payments may be suspended.

Sex and relationships

The age of consent

The law says that if you are:

- under 10 you cannot engage in sexual activity with anyone else even if you agree;
- if you are between 10 – 15 years old a person cannot engage in a sexual act with you if they are more than 2 years older than you;
- If you are 16 – 17 no-one caring for you or supervising you (like a teacher or foster carer) can engage in a sexual act with you.

Contraception

You can get contraception if you are under 18 if your doctor thinks you are mature enough to understand what you are doing and the doctor believes you will use the contraceptive properly.

If you are under 16 the doctor can still prescribe you contraception if he or she thinks you are mature enough to understand what you are doing.

There is no age limit to buying condoms.

Abortion

You can legally have an abortion if the doctor thinks that having the baby would *seriously endanger your physical or mental health*. In deciding this, your financial situation and home life are considered.

Terminations are usually available up to 12 weeks but may be done up to 22 weeks (this is a different procedure). This should be discussed with your doctor and a counsellor.

There is no age limit on abortion but if you are under 16 it is common practice that you need to have either parental consent or a psychiatric referral

Incest

Incest means having sex with someone in your family and is illegal whether you agree to it or not. It is still incest even if the person is not related to you by blood but is a close family member (eg step father).

Getting married

You can get married without anyone's permission when you turn 18.

You cannot get married if you are under 16. Young people aged 16 or 17 can only get married if:

- their parents or guardians agree;
- the person they want to marry is 18;
- the court agrees that their situation is special enough to make it right for the two young people to marry.

The court considers factors such as how long the young couple has been together, their maturity, financial situation and how independent they are from their parents. If the court agrees that a young couple can get married, they have 3 months to do so.

Other stuff

Tattoos and body piercing

The law says that it is an offence to tattoo a person who is under the age of 18 unless it is for medical purposes.

There are no age restrictions on when you can have your ears, or any other part of your body pierced. However, if you are under 18 some operators might ask for parental permission before proceeding with the piercing.

Buying cigarettes

No one is allowed to sell cigarettes to or buy cigarettes for people aged under the age of 18. However, it is not against the law to smoke or carry cigarettes if you are under 18.

Drinking alcohol

The law says that you cannot buy or possess alcohol until you are 18 unless:

- You are at your own house or someone else's house.

- You are in a hotel or restaurant and you are having a meal with parent or guardian and they agree that you can have alcohol.

Weapons

It is an offence for anyone under the age of 18 to purchase or have possession of a firearm, air-gun or air-rifle.

However, if aged between 12 and 17 a young person can get a permit for the purpose of learning to use a firearm whilst in the company and control of an adult.

Gambling

The legal age for gambling in Victoria is 18. Gambling includes playing the pokies, betting on horses and buying lottery tickets and scratchies.

It is illegal to go into a gaming room or casino if you are under 18 even if you are with an adult.

Useful Contacts

Employment

Jobwatch

Phone: (03) 9662 1933

Web: www.job-watch.org.au

Consumer

Consumer Action Law Centre

Phone: (03) 9670 5088

Web: www.consumeraction.org.au

Tenancy

Tenants Union of Victoria

Phone: 9416 2577

Web: www.tuv.org.au

Centrelink

Welfare Rights Centre

Phone: 9416 1111

Web: www.welfarerights.org.au

Legal Help

Victoria Legal Aid

Phone: (03) 9269 0234

Web: www.legalaid.vic.gov.au

For free legal advice for people aged under 25, contact:

Youthlaw

Phone: (03) 9611 2412

Email: info@youthlaw.asn.au

Web: www.youthlaw.asn.au

Publications

Victorian Legal Aid Publications

- Am I Old enough?
- People and work
- Road to Court
- Fact sheets & other publications (check the website) www.vla.vic.gov.au