



Factsheet - Law For The Under 18's

What The Law Calls You

If you are under 18 years of age the following legal terms may be used to describe you: a child, a minor, a youth or a young person. The term young person is probably the best to use.

Going To School

You have to go to school from the age of 5 until you are 16. The Education Department may grant you an exemption from being enrolled in school in some circumstances. Speak to your guidance officer or school principal if you want more information.

Getting A Job

If you are under 16 years of age you cannot work during school hours unless you have an exemption from school. If you then find work you should be employed under an award or industrial agreement where your rights are protected. You must be 18 years of age to work behind a bar.

Drinking And Smoking

You must be 18 years of age to drink alcohol on licensed premises. You must also be 18 years of age to smoke or use any tobacco product or purchase alcohol or any tobacco product.

Sex

It is a crime for anyone to have sex with you if you are under the age of 17 years. It is a defence if the person believed on reasonable grounds that you were over 17 years of age. Your consent to sex will be a defence if you were 15 or older and the other person was not more than 5 years older than you, or you were 12 or older and the other person was not more than 3 years older than you were.

Driving Or Riding A Motor Bike

You are not allowed to drive a motor vehicle or ride a motor bike without a licence. You must be 16 years of age before you can get a learner's licence. As a learner, once you have passed a driving test you may be granted a provisional licence.

Being Part Of The Family

There are laws that protect young people from being physically, sexually or emotionally abused, and also from being neglected by family members or other people. If you are being abused, tell someone - contact one of the agencies listed below or tell a teacher or guidance officer at school. Your parents are entitled to lay down the ground rules in their home. If you and your parents are having hassles over the rules, you can try to sort them out through family mediation. If your parents are separated or divorced, you might be caught in the middle. Your wishes in these situations are important and will be taken into account if the matter ever goes to court.

Leaving Home

A young person who has attained the "age of discretion" (14 years for a boy, 16 years for a girl) who has left home, cannot be forced to return home against their wishes. Despite this, a young person may be prevented from leaving home by a court order if that child is "at risk" from someone outside the family home. Therefore, there is no absolute right to leave home under 17 years of age. Whether a child should be returned home will depend on the facts of the situation.

FREE TELEPHONE LEGAL ADVICE **1300 366 611** VISIT OUR WEB SITE: <http://www.legalaid.tas.gov.au>

HOBART

158 Liverpool St Hobart 7000
GPO Box 1422 Hobart 7001
Telephone 03 6236 3800
Facsimile 03 6236 3811
DX 123

LAUNCESTON

64 Cameron St Launceston 7250
PO Box 810 Launceston 7250
Telephone 03 6336 2050
Facsimile 03 6336 2074
DX 70126

BURNIE

50 Alexander St Burnie 7320
PO Box 550 Burnie 7320
Telephone 03 6434 6444
Facsimile 03 6434 6440
DX 70209

DEVONPORT

8 Griffith St Devonport 7310
PO Box 87 Devonport 7310
Telephone 03 6421 7870
Facsimile 03 6421 7871
DX 70354

You And The Police

If a police officer has reasonable grounds to suspect that you may have committed an offence and intends to interview you or ask you any investigatory questions, this should be done in the presence of your parent or guardian or another responsible adult. An exception to this is if you are 17 years old and the offences the police have reasonable cause to suspect you have committed are in connection with the traffic laws.

If you are charged with an offence, you will usually be summoned to Court. This means being given or sent a notice with the address, date and time of Court.

A police officer may arrest you instead of giving or sending you a summons if he or she believes the offence is serious enough and if the arrest:

- is necessary to prevent you from continuing or repeating the offence;
- makes it easier to get a restraint order against you;
- prevents the concealing, loss or destroying of evidence relating to the offence; and
- is to ensure that you will appear before the Court, if it is unlikely you will appear if given a summons.

For more information see the Factsheet: Arrest and Questioning.

Going To Court

See the Factsheet: Going to the Magistrates Court and if you are attending the Magistrates Court in Hobart see Hobart Volunteer Court Support Scheme on the Hobart Community Legal Service website.

RELEVANT LEGISLATION

Education Act 1994

Criminal Code Act 1924

Children, Young Persons and Their Families Act 1997

Youth Justice Act 1997

CONTACTS

Legal Aid Commission of Tasmania Telephone Advice Service Ph: **1300 366 611**

Child & Family Services Ph: **1800 001 219** (24 hours/7 days)

Youth Justice - Department of Health and Human Services

Link Zone - online information for young people

Family Planning Tasmania

The information contained in this factsheet is not legal advice. If you have a legal problem you should talk to a lawyer before making a decision about what to do. The information in this factsheet is written for people resident in, or affected by, the laws of Tasmania, Australia only. All questions concerning this factsheet to info@legalaid.tas.gov.au.