

Law for under 18s

Anyone can talk to a lawyer for free at Tasmania Legal Aid.

To get free legal information call 1300 366 611, drop into our Hobart or Launceston office (no appointment necessary) or use the Legal Talk chat function on our website. We are open Monday to Friday, 9am to 5pm.

A lawyer can listen to your story and help identify the next steps you can take.

A list of some of the ways the law applies to people under the age of 18.

Do I have to go to school?

All Tasmanians must take part in education and training until they complete Year 12, get a Certificate III, or turn 18 years of age (whichever comes first). If you have finished Year 10 you can get an apprenticeship or traineeship under a training contract as one of the education and training participation options. If you haven't met the school leaving requirements you cannot work for an employer during education and training hours unless an ['Application for Part-time Attendance'](#) or ['Application for Exemption from Attending School'](#) is completed and approved in advance.

Am I allowed to have a job?

You can get a job and work outside of your school or training hours. Generally, there is no minimum age to start casual or part-time work in Tasmania but there are age restrictions for certain types of work. For example, you must be 18 years of age to work behind a bar.

What does the law say about drinking and smoking?

You must be 18 years of age to drink alcohol on licensed premises. In some circumstances it may be legal to consume alcohol in a responsible manner on private property under the supervision of a responsible guardian. You must also be 18 years of age to smoke or use any tobacco product or buy alcohol or any tobacco product.

What is the law about 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.

Someone who is asleep or lacks the mental capacity to understand what they are consenting to cannot give their consent. The law also acknowledges that some people cannot freely give their consent to someone who is in a position of power over them.

Read our related resource [consent to sex](#) for more information.

What is the law about tattoos and body piercings?

You need to be 18 to get a tattoo and provide ID if requested. If you are 16 or older, you can have a body piercing such as ears, eyebrows or belly button without a guardian present.

When can I drive a car or ride a motor bike?

You are not allowed to drive a motor vehicle or ride a motor bike on a public street (including footpaths, or public spaces open to the public such as car parks or parks) 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.

Can my parents make rules?

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 considered if the matter ever goes to court.

What if I don't feel safe?

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. Here are some safe places you can get support and help if you don't feel safe:

- **Kidshelpline** call 1800 551 800
- **Strong Families Safe Kids Advice and Referral Line** call 1800 000 123
- **Family Violence Counselling Support Service** on 1800 608 122 (if you do not wish to report the matter to police first) for advice, support and counselling.

Can the police arrest me?

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 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.

Why am I being called a "child"?

If you are under 18 years of age the law will call you a "child". This does not mean that someone 17 years old will be treated the same as a 2 year old, but the law refers to everyone under 18 as a child. Sometimes the law also refers to someone under the age of 18 as a "minor."

This is written for people who live in or who are affected by the laws of Tasmania, Australia. The law changes all the time – this information is not legal advice. If you have a legal problem, you should talk to a lawyer before making a decision about what to do.