

Becoming Independent

This fact sheet deals with issues you may come across as you get older and what the law says you can and can't do at certain ages.

Disclaimer: The material in this fact sheet is intended as a general guide only. You should not act on the basis of this information in this fact sheet without first getting legal advice about your own particular situation. The information is based on the laws in Victoria as at November 2017.

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School

How old do I have to be to leave school?

In Victoria you must complete year 10. If you are 17 or over when you finish year 10 you can leave school but if you are under 17 you can only leave school after year 10 if you are either:

- in school, or registered for home schooling
- in approved education or training (e.g. TAFE, traineeship, apprenticeship)

- in full-time paid employment
- in a combination of the above or for a minimum of 25 hours per week.

You can also complete a year 10 equivalent at a non-school education or training provider. This includes the completion of a nationally recognised Vocational Education and Training (VET) course at Certificate I level or above.

Can I be excused from going to school?

Before you finish Year 10, you can be excused from going to school if either:

- you are home-schooled (given regular and appropriate lessons by your parent or guardian)
- there is no state school within 5km and you are learning by correspondence
- you are very ill or unable to get to school
- the Department of Education has exempted you from attending school for a specific reason, e.g. you had to leave school to work
- because your parents are very ill

For more information on leaving school, visit the Department of Education and Training website: www.education.vic.gov.au

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Employment

How old do I have to be to get a job?

Anyone over 15 can get a job. If you are between 13 and 15, your employer will need a permit for you to work (unless you are working for your family's business) but restrictions apply (see below).

If you are 11 or older you can have a job delivering newspapers or flyers and making deliveries for a pharmacist.

When do I need a permit to work?

If you are under 15, you can only work without a permit if the work is occasional and involves:

- Helping out in a family business and a parent or guardian supervises you

- Participating in sports events
- Taking part in a not-for-profit educational, charitable or religious activity
- Baby-sitting, tutoring or odd jobs for neighbours or friends on a casual basis
- Appearing in a video for a one-off news story or a vox pop interview

If you want to work in entertainment, there is no minimum age to be able to work but your employer will need a permit and consent from your parent or guardian.

Otherwise, if you want to work in an industry other than entertainment and you are between 13 and 15 years old your employer can apply for a permit for you to work.

Child Employment Permits are free and forms are available from the Business Victoria website at www.business.vic.gov.au.

Are there limits on the work I can do?

If you are under 15 and working in a job other than in your family business or the entertainment industry, you can only work 3 hours or less each day and 12 hours or less a week during school term. During school holidays, you can only work for a maximum of 6 hours a day and 30 hours a week.

If you are under 15 you can only work between the hours of 6am and 9pm. If you work in street trading, you can only work between 6am and 6pm.

If you are under 18 there are some jobs you are not allowed to do. Those jobs include:

- Door-to-door sales
 - Working on a fishing boat
 - Working on a building or construction site before buildings are at lock-up stage
- How old do I have to be to do work experience? If you are age 14 or over you are permitted to do work experience for up to 10 days over each term and 40 days a year. You cannot do more than 10 days at the same place of employment.

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If you are aged 14 or over you are permitted to do work experience for up to 10 days over each term and 40 days a year. You cannot do more than 10 days at the same place of employment.

For more information on your rights at work, visit the Fair Work Ombudsman website:
www.fairwork.gov.au

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Driving

You can only drive a car or ride a motorbike on public roads in Victoria if you have a learner permit or drivers licence.

When can I get a learner permit?

You can apply for your learner permit to drive a car when you are 16 or older and for a learner permit to ride a motorbike when you are 18 or older.

When can I get my probationary driver licence?

- You must be 18 or older to apply for a probationary driver licence.
- If you are under age 21 you must have had your learner permit for at least 12 months and you must have completed at least 120 hours of driving practice to apply.
- If you are age 21 or over but under 25 you must have had your learner permit for at least 6 months to apply.
- If you are age 25 or over you must have had your learner permit for at least 3 months to apply.

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Voting

You can register to vote in federal elections once you turn 16 and you can register to vote in state elections once you turn 17. Once you have registered to vote, you can vote if you are 18 or over.

Do I have to vote once I turn 18?

Once you are 18 or over it is compulsory to vote in state, federal and local council elections if you are an Australian citizen. If you don't, you can be fined by the Victorian Electoral Office.

For more information or to complete an enrolment form, visit the Victorian Electoral Commission website: www.vec.vic.gov.au.

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Leaving Home

When can I leave home?

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

What if I leave home before I'm 17?

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 Health and Human Services (DHHS). If DHHS is concerned for your safety they can ask the Children's Court to make an order to protect you.

The court may order that you live somewhere else, like with another family or in a residential unit with other people your age.

DHHS is unlikely to apply to the Children's Court for an order to protect you if you have a safe place to live and you can support yourself financially.

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Renting a home

How old do I have to be to rent a home?

You can rent a house or a flat by signing up for a lease even if you are under 18.

Can I get help to start renting?

If you meet the bond loan income and asset eligibility limits, you can apply for an interest-free bond loan from DHHS. You may be able to get rent assistance if you get a Centrelink payment.

For more information about your rights when renting, visit the Tenants Union Victoria website: www.tuv.org.au.

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Centrelink Support

When can I get payments from Centrelink?

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

Youth Allowance is a type of Centrelink benefit available to people who are:

- aged 18 to 24 and are full-time students
- aged 16 to 17, have finished year 12 and need to live away from home to study or are independent
- aged 16 to 24 and are doing a full time Australian Apprenticeship
- aged 16 to 21 and are unemployed

You may receive Youth Allowance or a Special Benefit if you are age 15 and you are not supported by a parent or guardian. If you are unemployed and aged 22 or over you should apply for Newstart Allowance.

Do I have to look for work while I'm on Youth Allowance?

To get Youth Allowance, you may have to meet participation requirements, such as:

- looking for suitable paid work
- accepting all suitable job offers
- attending job interviews
- attending interviews with Centrelink and your Job Services Australia provider
- attending training courses which could improve your chance of getting a job
- If you are studying full-time and getting Centrelink payments, you need to pass your subjects and finish your course in the allotted time.

If you deliberately give Centrelink false information, fail to give information Centrelink required information or you receive a payment that you knew you were not entitled to you may face criminal charges.

For more information about your rights and obligations when receiving Centrelink, visit the National Social Security Rights Network website: www.nssrn.org.au.

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Sex and Relationships

At what age can I consent to having sex?

- If you are under 18, the law says there are certain people you cannot legally consent to having sexual contact with. The laws are different depending on how old you are. These laws are the same for homosexual and heterosexual relationships.
- If you are under 12 you cannot consent to sexual contact with anyone.
- If you are aged between 12 and 16 you cannot consent to sexual contact with someone who is more than 2 years older than you.
- If you aged 16 or over but under 18 you cannot consent to sexual contact with someone who is caring for you or supervising you (eg. a teacher or a foster carer).
- If you have sexual contact with someone older than you and you were too young to consent at the time you will not face criminal charges but the older person faces serious criminal charges if someone makes a report to the police.

How old do I have to be to buy contraception?

Your doctor can prescribe you contraception even if you are under 16 if your doctor believes you are mature enough to understand what you are doing and you will use the contraceptive properly.

There is no age limit for buying condoms.

What if I want to have an abortion?

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

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.

Do I need my parent's permission to marry?

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

If you are age 16 or 17 you can only marry if you meet all the following conditions:

- your parents or guardians agree to the marriage and provide their written consent
- the person you want to marry is over the age of 18
- a court makes an order to say that your situation is special enough to allow you to marry

You cannot get married if you are under 16.

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Other Stuff

Changing your name

If you are under 18, an application to change your name must be made by either:

- the parent or both parents named on your birth certificate
- your legal guardian.

If you are over 12, you must understand and consent to the change. If your parents don't agree on your name change, they will need to apply to the Family Court for an order to change your name.

There are fees for registering your change of name. For more information, visit the Registry of Births, Deaths and Marriages website: www.bdm.vic.gov.au.

Tattoos and body piercing

You need to be over 18 to get body modifications such as:

- An intimate piercing (piercing of the nipples, genitalia or anal region)
- Tattooing
- Scarification
- Tongue splitting
- Branding and beading

For other piercings (non-intimate piercings): If you are 16 or over you don't need your parent or guardian's permission.

If you are under 16 you will need written consent from a parent or guardian, given in person to the piercer. If you are over 10 and you understand enough to give your

consent, you must also give your consent in writing to the piercer.

If you have been caught getting a tattoo, piercing or other body modification underage, you won't get in trouble but the person who did the work can face large fines or criminal charges.

Cigarettes

It is not against the law to smoke or carry cigarettes if you are under 18. But it is illegal to sell cigarettes to people under 18 or buy cigarettes for people under 18.

Drinking alcohol

The law says that you cannot buy, drink or carry alcohol until you are 18 unless you are either:

- at a private house and your parent or guardian has given permission
- in a hotel or restaurant and you are having a meal with your parent or guardian and they agree that you can have alcohol

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.

Carrying, possessing or buying weapons

- It is illegal for anyone under the age of 18 to buy any kind of knife.
- It is illegal for anyone under the age of 18 to possess any kind of knife unless they have permission from an employer.
- It is illegal for anyone under the age of 18 to buy or possess firearm, air-gun or air-rifle. This includes anything that looks like a firearm – even a plastic gun.
- A young person aged 12-17 years old can get a permit to learn to use a firearm in the company and control of an adult.
- It is illegal for anyone regardless of age to carry a knife in a public place without a lawful excuse, such as employment. Self-defence is NOT a lawful excuse.

- It is illegal for anyone to possess, use or carry a prohibited weapon such as a flick-knife, sword, dagger, studded glove or cross-bow without an exemption from police.

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Getting Legal Help

Youthlaw

If you are under 25, you can get free and confidential legal advice.

Drop-in: 2-5pm, Mon-Fri

At *Frontyard Youth Services*, 19 King Street Melbourne

For legal information or for legal advice from Youthlaw Online outreach locations:

TEL: (03) 9611 2412 (9am-5pm, Mon-Fri)

info@youthlaw.asn.au

www.youthlaw.asn.au

Victoria Legal Aid – Legal Help

For legal information, referrals or appointments.

TEL: 1300 792 387

www.legalaid.vic.gov.au

Lawstuff

Free information and legal advice for young people under 18.

TEL: (02) 9385 9588

www.lawstuff.org.au

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Call us

Find us

© **Youthlaw Young People’s Legal Rights Centre Inc.**

At Frontyard, 19 King Street, Melbourne

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