



*DISCLAIMER: This fact sheet is intended to be used a general guide only. You should not act on the basis of this fact sheet alone without first getting legal advice about your own particular situation. This was updated in June 2023.*

# BECOMING INDEPENDENT

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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; or
- 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; or

- because your parent/s or guardian/s are seriously ill.

For more information on leaving school, visit the Department of Education and Training website:

[www.education.vic.gov.au](http://www.education.vic.gov.au).

## EMPLOYMENT

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

If you are under 11 years old	The only place you can work is in a family business or in the entertainment industry.  If you want to work in the entertainment industry, there is no minimum age to be able to work - but your employer will need a permit and consent from your parent or guardian.
If you are 11 years old or older	You can deliver newspaper/flyers, or make deliveries for a pharmacist.
If you are between 13 and 15 years old	Your employer will need a permit for you to work (unless you are working for your family business) but certain restrictions apply (see below).
If you are over 15	You can get any job (exceptions provided below).

### 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; or
- Appearing in a video for a one-off news story or a vox-pop interview.

Child Employment Permits are free, and forms are available from the Business Victoria website at

[www.business.vic.gov.au](http://www.business.vic.gov.au).

### Are there limits on the work I can do?

If you are under 15 and working in a job <u>other</u> than in your family business or the entertainment industry	You can work for a maximum of 3 hours each day and 12 hours each week during the school term.  During school holidays, you can only work for a maximum of 6 hours a day and 30 hours a week (including rest breaks).
If you are under 15	<ul style="list-style-type: none"> <li>• You can only work between the hours of 6am and 9pm.</li> <li>• If you work in street trading (ie selling things in a public place), you can only work between 6am and 6pm.</li> <li>• You must be supervised by someone who holds a valid employee Victorian Working with Children Clearance.</li> </ul>
If you are under 18	There are some jobs you are not allowed to do. These jobs include, and not limited to: <ul style="list-style-type: none"> <li>• door-to-door sales;</li> <li>• working on a fishing boat (except for fishing boats that operate on inland water);</li> <li>• working on a building or construction site before buildings are at lock-up stage; and</li> </ul>

- selling alcohol in a bottle shop, restaurant or bar

There is no minimum age you can start working in a family business or in entertainment and advertising, but you must be at least:

- 11 years old to do delivery work
- 13 years old to do other types of work, like for example in retail or hospitality.
- Your employer must have a permit for you if you are under 15 years old.

### How old do I have to be to do work experience?

If you are 14 years old 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, and for information about wages, visit the Fair Work Ombudsman website: [www.fairwork.gov.au](http://www.fairwork.gov.au).

## DRIVING

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

For more information on driving, permits and licences, visit the Vic Roads website: <https://www.vicroads.vic.gov.au/>

### 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 (P Plates)?

- You must be 18 or older to apply for a probationary driver licence
- There are two stages of probationary licences for drivers aged 18 to under 21:
  - P1 (ie red P-plates) and
  - P2 (ie green P-plates) and different restrictions apply to each.
- 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 supervised, logged 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.

## VOTING

You can vote in local, state or federal government elections when you are 18 or over. You must register to vote first. 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.

### Do I have to vote once I turn 18?

Once you are 18 or over, it is compulsory to vote in local, state, federal and 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 for state and local council elections, visit the Victorian Electoral Commission website: [www.vec.vic.gov.au](http://www.vec.vic.gov.au). For information or enrolment in federal elections, visit the Australian Electoral Commission website: [www.aec.gov.au](http://www.aec.gov.au).

## LEAVING HOME

### What if I leave home before I'm 17?

You can leave home at any age providing you have a safe place to go to, permission from family eg your parents or guardians, and continue to follow the law e.g., continue going to school.

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.

## 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 Victoria website: <https://tenantsvic.org.au/>

## 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 studying full time, and or 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 looking for full time work; and
- aged 16 to 21 and are studying part-time and looking for work

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 JobSeeker.

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

You don't have to look for work under Youth Allowance. Youth Allowance is for those studying or if you are in a difficult situation. There is also JobSeeker if you need assistance in finding a job.

If you would like to work while under Youth Allowance you can, however if you earn more than \$480 per fortnight your income from Centrelink may be reduced.

### Assistance for Aboriginal and Torres Strait Islander young people

Abstudy is also available for Aboriginal and Torres Strait Islander young people that are studying or moving away from home.

## SEX AND RELATIONSHIPS

### At what age can I consent to having sex?

If you are under 12 years old	You can't consent Any sexual acts with a person under 12 is illegal
If you aged between 12 and 15 years old	You can't consent with someone who is more than 2 years older than you.
If you are aged 16 and 17 years old	You can consent with anyone older than you <u>unless</u> they are in a position of care or supervision

These laws are the same for homosexual or heterosexual relationships.

If you take part in any sexual acts with someone older than you, and you were too young to consent at the time, you will not face criminal charges. However, the older person can face serious criminal charges if someone makes a report to the police.

### How old do I have to be to buy contraception (eg condoms or the birth control pill)?

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 when the term of the pregnancy is up to 24 weeks. After 24 weeks, it is still possible to have an abortion if two doctors agree that having the abortion is appropriate in your circumstance. In this case, the doctors should consider whether they think that having the baby would seriously endanger your physical or mental health. The doctors will consider your financial situation and home life.

### Do I need my parent's permission to marry?

If you are under 16	You cannot get married
If you are age 16 or 17	You can only marry if you meet all the following conditions: <ul style="list-style-type: none"><li>• your parents or guardians agree to the marriage, and provide their written consent;</li><li>• the person you want to marry is over the age of 18; and</li></ul>

If you are 18 or over

- a court makes an order to say that your situation is special enough to allow you to marry
- You can get married without anyone's permission

## 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; or
- 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: <https://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; and
- 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, including e-cigarettes (vape pens) if you are under 18.

It is illegal to sell cigarettes and e-cigarette products to people under 18, or to buy cigarettes and e-cigarette products for people under 18.

It is illegal to smoke in a smoke-free area regardless of age.

It is also illegal to smoke or vape at school, or within 4 metres of any pedestrian walkway into to school.

### 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; or

- at the discretion of the restaurant, and your parent / guardian to allow a person under 18 to have an alcoholic drink with their meal.

### 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;
- possess any kind of knife unless they have permission from an employer; or
- to buy or possess a 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, and for learning how to use the firearm for sport.

It is illegal for anyone, regardless of age, to:

- carry a knife in a public place without a lawful excuse, such as employment or sport. Self-defence is NOT a lawful excuse; and
- possess, use or carry a prohibited weapon such as a flick-knife, sword, dagger, studded glove or cross-bow without an exemption from police.

## MORE INFORMATION

Visit Victoria Legal Aid website: <https://www.legalaid.vic.gov.au/young-people-and-law>

## GETTING LEGAL HELP

### Youthlaw

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

03 9113 9500

For details of services see: [www.youthlaw.asn.au](http://www.youthlaw.asn.au)

### Victoria Legal Aid – Legal Help

For legal information, referrals or appointments.

1300 792 387

[www.legalaid.vic.gov.au](http://www.legalaid.vic.gov.au)

### Youth Law Australia

Free information and legal advice for young people under 18.

(02) 9385 9588

[www.yla.org.au](http://www.yla.org.au)