

Mercy Community does not make any guarantees, warranties or representations as to the currency, fitness for purpose, accuracy, reliability, completeness or compliance with any law, regulations or other governmental requirements, in respect of any of documents it provides. None of the information contained in any documents provided by Mercy Community constitutes any form of legal, financial or other professional advice. Mercy Community accepts no legal liability for the accuracy, reliability, currency or completeness of any documents or information it provides, and the receiving party should seek appropriate independent professional advice before using such material or making any decisions based on it.

KNOW YOUR CONTACTS

It is normal to feel a little overwhelmed when looking at this entire booklet for the first time. Be encouraged that you are not alone, and many young people before you have been on the same journey.

Having the right contact numbers to organisations that can help you will be very useful. Below is a list of some that might come in handy.

CONTACT US

Department of Children, Youth Justice and Multicultural Affairs

A: 111 George Street, Brisbane QLD 4000

P: 1800 811 810 (free call)

W: www.cyjma.qld.gov.au/

Fair Work Australia

P: 1300 724 200

W: www.fairwork.gov.au

Legal Aid Queensland

P: 1800 527 527 or (07) 3182 5182

W: www.legalaid.qld.gov.au

Office of the Public Guardian (OPG)

A: Level 3, 363 George Street, Brisbane QLD 4000

P: (07) 3225 8325 or 1800 661 533

E: child@publicguardian.qld.gov.au

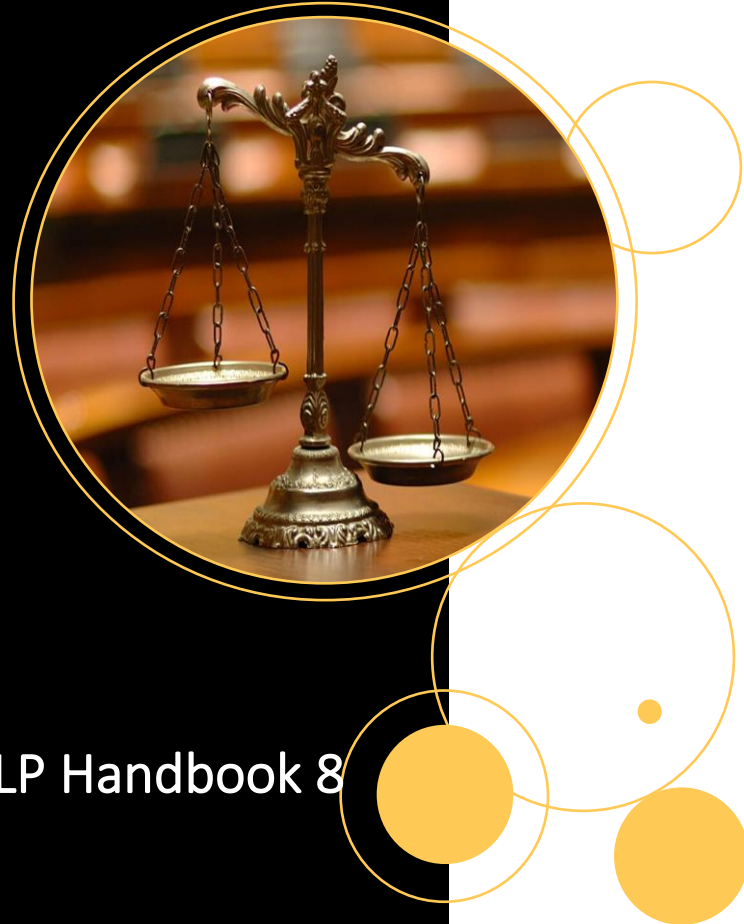
W: www.publicguardian.qld.gov.au

Youth Advocacy Centre

P: (07) 3356 1002

W: www.yac.net.au

Legal Matters



SILP Handbook 8

TABLE OF CONTENTS

Introduction	1
Legal Matters Checklist	2
When Can I?	3
Being in Care – OPG Child Advocate	4
Reviewable Decisions	5
Police Powers – What You Need to Know	6
Alcohol	7-8
Cigarettes	9
E-Cigarettes	10
Tattoos and Piercings	11
Drugs	12
Legal Aid	13
Fines	14
Workplace Rights	15
Am I Being Paid Fairly?	16
How to Read a Payslip	17
Know Your Contacts	18



HOW TO READ A PAYSIP

Joe Bloggs
Operations Co-Ordinator

Company name
ABN: XXXXXXXXX
Pay Period: 08/04/2015 to 14/04/2015
Paid on: 15/04/2015

The pay period determines the dates that your shifts have been completed. This can vary depending on your employers pay cycle (weekly, fortnightly or monthly).

This is your hourly rate. It can change in line with your award if you work over time and weekend shifts.

Earnings	Rate	Hours	Amount
Normal	17.52	38.00	665.76
Total pay			\$665.76
Taxable income			\$665.76
Less PAYG			72.00
Take home pay			\$593.76

The amount of Tax deducted from your pay each pay cycle. PAYG= Pay As You Go.

How many hours you have worked in this pay period.

How many hours of leave you have accrued

Annual leave available 99.39 hours

The amount of Superannuation that your employer has contributed. All employers must pay Superannuation to staff.

Employer Super Guarantee xx super fund
Member # XXXXXXXX
Contribution \$63.25

Gross = Before Tax

Net = Take home pay

Summary	This pay	YTD
Gross	\$665.76	\$22,635.84
PAYG	\$72.00	\$2,448.00
Net	\$593.76	\$20,187.84

YTD = Year To Date
The total amount of earnings and tax paid in the financial year. Financial years run June-June.

Amount of total take home pay

AM I BEING PAID FAIRLY?

Nobody wants to be underpaid, and it can be hard to tell if you are. Fortunately, there are a number of ways to figure out if you're being paid fairly.

There is lots of information online that can help you know your work pay rates. Pay rates in some industries and occupations, employment conditions are set out in an **award**. An award sets out employment conditions that apply for a specific industry or occupation. The conditions in awards apply on top of the minimum pay conditions in the National Employment Standards.

You will be able to find out how much you are getting paid by reading your employment contract and payslip. It is illegal for your employer to not provide you with a payslip. You will find an example of a payslip and how to read it on **Page 16**.



HOT TIP: If you are unsure about your pay rate, scan the QR code or follow the link below to check:



www.calculate.fairwork.gov.au/findyouraward

INTRODUCTION

Young people today are struggling to identify and act on a variety of legal problems. Young people are experiencing debt, homelessness, discrimination, encountering police and the criminal justice system.

There are many legal services that can help you with the process of identifying and resolving your legal issues. If you have been arrested, served with a notice to attend court, have committed a crime, or feel you have been harmed physically, financially or even maybe treated unfairly by your workplace, it can be worth finding out your rights as soon as possible.

Understanding the law can be very confusing and at times overwhelming. Remember that you are not alone, and that there is help available to advise and direct you in your legal decisions.

This Legal Matters Handbook will help you find out what your rights and responsibilities are and where you can go to seek legal advice.



LEGAL MATTERS CHECKLIST

This checklist is a tool that will highlight the information about some of the documents, knowledge of processes, and tips and tricks to ensure that you can manage legal matters in the future.

Where is your confidence with the following on a scale of 1 to 4? <i>1 – not confident at all, 2 – some confidence, 3 – mostly confident, 4 – very confident</i>				
Question	1	2	3	4
I know and understand the laws around alcohol and cigarettes				
I know and understand the laws around legal and illegal drugs				
I know and understand the laws around tattoos and piercings				
I know where to go to get help to pay for a fine				
I know what SPER (State Penalties Enforcement Registry) is				
I know which services to go to or who to ask for help with legal matters that I might have				
I know what TILA (Transition to Independent Living Allowance) is and how to access it				
I know how to check if I'm being paid the award wage and where to get help if I'm not				
Is there anything else you need or would like to learn about legal matters? Is there anything that you are worried about at this time in relation to accessing legal resources?				

WORKPLACE RIGHTS

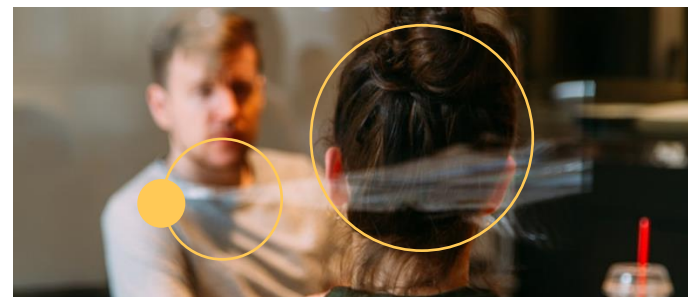
All employees in Australia will have a common law contract of employment (whether written or verbal) which specifies terms and conditions with their employer. This contract is subject to Australian Government, and in some instances state and territory government, legislative requirements.

Upon commencing employment there will be certain paperwork to complete, this can include:

- Signing an employment contract;
- Filling out Tax File Number Declaration form;
- Completing employee information forms (your bank and superannuation details, contact details, and emergency contacts); and
- Signing confidentiality agreements.

Important things to check before signing a contract:

- ✓ Job title – know what you are applying for;
- ✓ Job description – know what the job involves;
- ✓ Remuneration (salary and bonuses) – know what you will be paid;
- ✓ Period of employment – know your start date and end dates;
- ✓ Termination – know the policy around leaving the job;
- ✓ Working hours and place of work – location of the job and work hours;
- ✓ Holidays and sick leave – knowing your entitlements;
- ✓ Policies, restrictive clauses and rights (competition, confidentiality, and intellectual property); and
- ✓ Equipment – knowing what you'll need for the job (tools, uniforms).



FINES

If you are caught speeding in a car, parking illegally or fined for another offence, you will be issued with an infringement notice 'on the spot' or sent through the mail.

Do you have any fines or infringements that you can't pay? In some cases, you may be eligible to register for Queensland Government assistance to help pay the fine. If eligible, the fine or infringement will be registered with the State Penalties Enforcement Registry (SPER).

SPER provides several options for repayment of unpaid fines, including:

- Paying the debt in full;
- Paying by instalments; or
- Performing Unpaid Community Service.



Paying by Instalments

If you don't think you will be able to pay the full amount owed, you may be eligible to pay off the debt piece by piece. Under some circumstances this option is indicated on the initial infringement notice (check the back of the hardcopy of the fine given to you).

If not and you intend on making regular payments on the debt **YOU MUST** contact SPER to develop an **Instalment Plan**. Depending on your circumstances you may be able pay weekly, fortnightly or monthly instalments, with amounts automatically deducted from your Bank Account, Debit/Credit Card or Centrelink Payment. Repaying in instalments gives you the opportunity to slowly reduce the debt by paying as much as you can reasonably afford each week.

Scan the QR code or follow the link to find more information about payment options with SPER:



<https://www.qld.gov.au/law/fines-and-penalties/state-penalties-enforcement-registry>

WHEN CAN I?

Any age:

- Make a complaint;
- Get legal advice;
- Open a bank account (with your parent or guardian's consent);
- Talk to a counsellor; and
- Buy condoms.



16 years old:

- Apply for a Queensland Learner's Driver's Licence
- Have sex (as long as both people are over the age of 16 and give consent);
- Get a prescription for contraceptives (e.g. birth control pill);
- Apply for QLD Housing for a place to live;
- Open a bank account (without your parent or guardian's consent); and,
- Consent to a medical procedure without parental permission.

17 years old:

- Apply for a Provisional Queensland Driver's Licence (e.g. P Plates);
- Leave school without needing to participate in full time training or employment.

18 years old:

- Change your name;
- Get a tattoo;
- Buy alcohol, tobacco and cigarettes;
- Get married without parental consent;
- Vote;
- Sign legal contracts;
- Make a Will; and
- Be sent to an adult prison.



BEING IN CARE – OPG CHILD ADVOCATE

OPG Child Advocate Legal Officers are lawyers who protect the rights of children and young people in the child protection system and ensure their voice is heard, particularly when decisions are made that affect them and their care arrangements. This includes those in out-of-home care, such as a foster home, the home of a kinship carer, a residential care facility, a youth detention or adult correctional centre, disability service or mental health facility.

How we can help you?

We will listen to you as what you have to say is important. We can:

- Provide information and advice about legal issues that you might be concerned about.
- Help you resolve disputes and to make complaints if you have been treated unfairly or are unhappy with a decision made about your time in the child protection system.
- Support you - and if you want us to, speak for you - in legal meetings with Child Safety (or any other agency) to make sure that your needs are being met and your views and wishes are being heard.
- Express your views and wishes to the court and/or Child Safety (or any other agency), even if others don't agree with what you have to say.
- Respect your privacy and keep your information confidential.
- We **MUST** let Child Safety know if you tell us that you or any other child has been harmed or tell the police about any crimes that may have caused harm to you or another child.

When do we help you?

A Community Visitor from the OPG will visit you to check on you while you are in care and help with issues that you might have. Most of the time, your community visitor can help with your concerns but there are other times where. For information on how to contact the OPG, you will find this in **Page 18. Know Your Contacts**.

LEGAL AID

Legal Aid works with various agencies to provide **free** legal information, advice and representation (if you need a lawyer). Legal Aid Queensland can provide advice for your legal problems and provide information concerning the options you may have.

Legal Aid provide assistance across all aspects of the law, including Criminal, Family, Child Protection and Civil Law. In addition to this, Legal Aid Queensland has several services to help young people under the age of 18. This includes:

- **Youth Legal Aid** - A team of lawyers that can act on your behalf for almost any criminal matter.
- **Child Protection Unit** - For child protection matters in the Children's Court and Child Services Tribunal.
- **Independent Children's Lawyer Unit** - Specialising in representing young people in Family law.

For information about the law, legal advice and representation contact Legal Aid (refer to **Page 18. Know Your Contacts**). Young people can call **1800 LAQ LAQ (1800 527 527)** to talk to a lawyer and get free and confidential legal advice about bail, diversionary options, being charged with an offence, talking to the police and youth justice issues. The service operates Monday to Friday 8am to 9pm and Saturday 7am to 12 midday (except for public holidays).



DRUGS

There are many offences that you can be charged with in connection with illegal drugs. The penalties vary according to the type and amount of drugs involved; however, drug offences are taken very seriously and carry severe penalties.

Some illegal drugs include:

- Cannabis (Marijuana)
- Cocaine
- MDMA/Ecstasy
- GHB
- Hallucinogens
- Heroin
- Inhalants
- Ketamine

They are banned because using them can endanger your health, your life, or the life of others. Because they are not regulated in the way legal drugs are you can never be sure what's in them or how strong they are.

If any trace of illegal drugs are found in your system while you are in charge of a vehicle—you do not even have to be the driver—the court can impose a fine of up to \$1,400 and you could lose your license for up to 9 months for a first offence.

Alcohol and other drugs (AOD) services provide people with a range of interventions that influence and support the decision to reduce or cease harmful substance use.

For more information on drugs and alcohol or someone to talk to visit:

Lifeline - 13 11 14 or www.lifeline.com.au

Ted Noffs Foundation - 1800 753 300 or www.noffs.org.au



REVIEWABLE DECISIONS

If you don't agree with a decision Child Safety has made about your life, such as who you should live with, if your parents know where you are living or the amount of contact you have with your family, you can talk to the Queensland Civil and Administrative Tribunal (QCAT) to have that decision reviewed.



Contact QCAT on 1300 753 228 or email enquiries@qcat.qld.gov.au. You can also find information on their website www.qcat.qld.gov.au.

You should talk to QCAT **within 28 days** of finding out about a Child Safety decision. You can ask an adult to help you speak to QCAT. You can also talk to your Child Safety Officer or Community Visitor or contact the Youth Advocacy Centre on 3356 1002 or www.yac.net.au (or scan the QR Code below).



POLICE POWERS – WHAT YOU NEED TO KNOW

What do I have to tell the police?

You have the right to silence. You do not have to make a statement or answer any questions, BUT failing to give your correct name, address and age is an offence.

Do I have to carry ID on me?

No... There is no law that says you must carry ID, BUT if you are driving a car then it is an offence to fail to produce your driver's license if the police request it.

What if I am arrested?

You can ask why you are under arrest, but resisting arrest is an offence. You have the right to ask why the police officer is demanding you go with them. If you are not under arrest, then you do not have to go with the police. If you are under arrest, a police officer must tell you why you are under arrest. Stay cool and calm and talk to a lawyer later about what you can do if you think the arrest was unfair or wrong or the police injured you.

Who can I have with me during police questioning?

If you are under 18 you can have a 'support person'. Generally, if you are under 18 and questioned by police, you must have a 'support person' with you but if you are being questioned about a minor offence such as obscene language or possession of property suspected of being stolen, a 'support person' is not required. The support person should be:

- A parent or guardian;
- A lawyer;
- A relative or friend;
- A person who is acting for you who works in an agency that deals with the law; or
- If none of these are available, then a Justice of the Peace (JP).

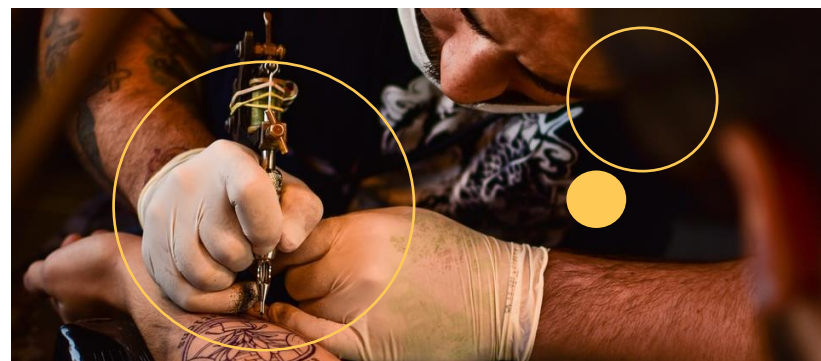


You should tell the police which person you would like to have with you. The police should also give you the opportunity to talk to this person in private (where they cannot overhear you) before the questioning starts.

TATTOOS AND PIERCINGS

Tattoos – you need to be 18 to get a tattoo. A tattoo includes anything that results in a permanent mark being made on your skin, including branding, scarification or beading. If you want to get a tattoo before you turn 18, your parent will need to be with you when you get the tattoo. It's against the law for someone to tattoo you without your parent's permission.

Body piercings – you need to be 16 to get most piercings in Australia. If you're under 16 and want a piercing, you will need your parents to be with you. You cannot get a piercing in a private place (like your nipples or genitals) if you are under 16, even if you have your parent's permission.



Your school or workplace may have specific rules or policies about tattoos, piercings and body marks, so it's a good idea to check these first. These rules are legal if they are not unreasonable or discriminatory.

If a tattoo, piercing or body modification is part of your cultural background, for example your race, descent or ethnic heritage, then it may be unlawful discrimination for a school or workplace to ban you from having it.

HOT TIP: When you get a tattoo or piercing, there is always a risk that you can get a disease like Hepatitis C or B, HIV or a bacterial infection. It's always a good idea to go to a professional tattoo artist and piercer. Ensure that the equipment and studio is clean and sanitised.

E-CIGARETTES

Electronic cigarettes are also known as e-cigarettes, e-cigs, vape pens or personal vapourisers/vapes. They heat liquid, which usually contains nicotine, into a fine vapour for inhalation into the lungs.

Queensland has some of Australia's strictest laws around vaping. E-cigarettes are considered smoking products under the *Tobacco And Other Smoking Products Act 1998*. Due to it being classed under the same laws as cigarettes; e-cigarettes and e-liquid cannot be sold to children under 18 years of age or be advertised, promoted or displayed at retail outlets. You cannot vape in smoke-free zones and Queensland is the only state in Australia which you cannot import nicotine for personal use from overseas and it is illegal to use an e-cigarette containing nicotine.



These devices cannot be:

- Used in existing no-smoking indoor and outdoor places;
- Sold to children under 18 years of age;
- Advertised, promoted or displayed at retail outlets; or
- Provided for sale in a vending machine.

If you are caught by police smoking or in the possession of e-cigarettes or vapes you can be issued an on the spot fine of \$140. Retailers selling to underage children can be fined upwards of \$40,000.

For more information on e-cigarette laws visit: www.healthdirect.gov.au/e-cigarette.

ALCOHOL

You must be 18 or older to buy and drink alcohol in a public place including pubs, RSL's and nightclubs. You are not even allowed to carry alcohol if you are under 18. You may be fined up to \$750 if you are found guilty of any of these offences.

Alcohol intoxication (or being drunk) is when you start to show changes in how you think, feel, and behave. This can be mild to severe, depending on what and how much you have drunk. Signs that can indicate that a person has had too much to drink include:

- Clumsiness, aggression or arguing;
- Loss of co-ordination, swaying or staggering, slurring words;
- Confusion, not hearing, not responding to others, or sleepiness;
- Bumping into or knocking over furniture; and/or
- Inappropriate sexual advances.

Australia's national alcohol guidelines use the '**standard drink**' as a measure of alcohol consumed. One standard drink is defined as containing 10 grams of alcohol. The number of standard drinks in a serving of alcohol varies between type, size, brand, packaged or poured drinks. If you are unsure, read the label. Alcohol packaging must state the number of standard drinks that the product contains.

While these standard measurements should help, you also need to remember alcohol tolerance varies depending on your size, fitness, mood, drinking experience, and food intake.



ALCOHOL

Drink driving is a serious offence. It is also an offence if you refuse to take a breath test. Penalties can include loss of license, fines, prison terms and a requirement to install an alcohol interlock device on your car.

Excessive alcohol consumption can put you in danger of becoming seriously injured due to impaired coordination and reaction times. More than one third of people killed on Queensland roads in 2016 had been drinking.



Penalties for drink drivers

The consequences of alcohol affected driving include not only a fine and loss of license, but also the potential loss of insurance cover and Work Cover.

Management, supervisors or fellow workers could also be legally liable if they were aware of a driver's alcohol affliction and failed to report or amend the situation (e.g. send the driver home and/or suspend his/her driving tasks).

Blood/breath alcohol concentration (BAC)	Licence Lost	Fine (\$)	Min. Prison Time
Over 0.00, but under 0.05 (learner or provisional licences)	3 – 9 months	\$1,868	3 months
0.05 and over, but under 0.10	1 – 9 months	\$1,868	3 months
0.10 and over, but under 0.15	3 – 12 months	\$2,669	6 months
0.15 and over	6 months	\$3,736	9 months

*1-2 Standard drinks an hour = approximately 0.05 Blood Alcohol Concentration.

CIGARETTES

If you are under 18 it is against the law for anyone to sell cigarettes to you. Anyone who sells cigarettes to someone under 18 can be heavily fined. If you're buying cigarettes and you look like you might be under 18, the staff can ask you to provide Valid ID. Most staff will always ask you to provide ID if you look younger than 25.



If you are in a public place, the police can confiscate your cigarettes if they think you are under 18. Anything confiscated from you will not be returned. In Australia it's against the law to smoke in a smoke-free area. All enclosed public spaces are smoke-free areas. There are also certain types of outdoor places that are smoke-free areas.

Some enclosed and outdoor public places where smoking is not allowed are:

- Shopping Centres and near children's play equipment;
- Restaurants, cafes and dining areas;
- Pubs, clubs and bars (except designated smoking areas);
- Schools, colleges and universities;
- Community Centre's, halls and churches;
- Theatres, libraries and galleries;
- Public transport (buses, trains, trams, airplanes, taxis, ferries);
- Gyms and sporting facilities; including swimming pool complexes;
- Hospitals; and
- Near the entrance/exit of a building for pedestrians.

If you are caught smoking in any of the above places you may be fined \$300 on the spot by the police, given a warning; or a formal caution; or choose to have the matter decided by a court (which may fine you up to \$550 if convicted).

For information on Quitting visit: www.quitnow.gov.au or call 13 78 48.