

Case study: Penalty notices

This case study is based on the experience of young person who wrote into YLA. The name and ages have been changed to protect privacy.

Hi Youth Law Australia! My name is Marcus and I am 15 years old. I tapped on at my local train station but it didn't work properly because of insufficient funds. Later on I was sitting with my feet resting on the front part of the chair opposite me and some transit officers stopped me. They told me they were going to let me off with a warning for having my feet on the chair and for travelling without a valid ticket but now I've received a fine in the mail. What should I do?

Take a guess answering this question yourself and then flip me over to see how YLA answered this question!



webmail

From: Youth Law Australia
To: marcusrulez@wmail.com
Subject: Your legal question

Hi Marcus

Thanks for your question. We're sorry to hear that the officers went back on their word and you were fined. You could consider appealing your fine if you believe that you did not break the law or because there were special circumstances. It is important that you lodge your appeal before the due date on your fine or you could receive a harsher penalty. To appeal your fine, you will need to contact NSW Revenue (there should be instructions on your penalty notice on how to contact them). We recommend that you focus on explaining why you think you should not be fined (e.g. because you were given a warning at the time). You could also attach a screenshot of your Opal account and explain that you thought you had tapped on but because of insufficient funds it did not register. If you would like help writing your appeal, you can send us another e-mail and we can help you further. We hope this helps!

From the Team at Youth Law Australia

Case study: Police powers

This case study is based on the experience of young person who wrote into YLA. The name and ages have been changed to protect privacy.

Hi Youth Law Australia! My name is Agatha and I am 14 years old. I was in the park with some friends. We were mucking around and I had a scarf wrapped all the way around my face. Some police officers approached me and told me to take off my scarf and give to them. Then they searched me and asked me a bunch of questions about who I was and why I was in the park. After that I ran off without giving them my name. Can I get in trouble for this?

Take a guess answering this question yourself and then flip me over to see how YLA answered this question!



webmail

From: Youth Law Australia
To: agzie1243@mailmail.com
Subject: Your legal question

Hi Agatha

Thanks for your question. The law says a police officer is allowed to search a person if they have a reason to suspect they have stolen something, have something that could be used in a crime, have illegal drugs, a dangerous implement or a laser pointer on them. If you refuse to be searched you could be committing a crime. Also, the police are allowed to ask you questions. However, you have a legal right to silence. This means that apart from giving them your full name, address and age you don't need to answer their other questions and you can politely decline to answer. Technically if the police contact you about this and decide to investigate this, you could be charged and go to Court. If the Court finds you guilty of refusing to be searched or not answering the polices' questions you could get into trouble. We think it would be a good idea for you to get further legal advice if the police contact you and not to use your right to silence until you have spoken to a lawyer. We hope this helps!

From the team at Youth Law Australia

Case study: Cyberbullying

This case study is based on the experience of young person who wrote into YLA. The name and ages have been changed to protect privacy.

Hi Youth Law Australia! My name is Jordan and I am 17 years old. My friend was getting bullied by Annabelle on Facebook and so I sent her a message telling her to stop. Now Annabelle keeps sending me messages calling me a snitch and saying she is going to cut me if she sees me. I have screenshots of these messages. What should I do?

Take a guess answering this question yourself and then flip me over to see how YLA answered this question!



webmail

From: Youth Law Australia
To: jordy_da_number1@lolmail.com
Subject: Your legal question

Hi Jordan

Thanks for your question. We're sorry to hear about your situation. It is against the law to threaten someone on social media. We think it is great you're trying to protect your friend and we recommend that you take screenshots of all the bullying and make a report to the eSafety Commissioner. If the bullying continues, you might also consider taking the screenshots to the police and making a report. It sounds like this has been a stressful time for you and we encourage you to speak to someone from Headspace if you or Annabelle are feeling troubled by what the bully has been saying. We hope this helps!

From the team at Youth Law Australia

Case study: Leaving home

This case study is based on the experience of young person who wrote into YLA. The name and ages have been changed to protect privacy.

Hi Youth Law Australia! My name is Bailey and I am 13 years old. I feel trapped at home. My parents aren't awful or anything but I am just so sick of their rules and making me do all my chores and everything. It is a living hell. Can I move out?

Take a guess answering this question yourself and then flip me over to see how YLA answered this question!



webmail

From: Youth Law Australia
To: baileyailey@mmail.com
Subject: Your legal question

Hi Bailey

Thanks for your question. We're sorry to hear you're having problems at home and we hope that you are staying safe. The law does not say when a young person can move out of home. This means technically if you have a safe place to go and your parents agree, you can move out of home. However, because of your age we think that this would be difficult from a practical perspective e.g. thinking about how you will get to school or support yourself financially. We think it would be a good idea for you to check out some of the resources attached to this e-mail on how to resolve conflict and speak to your parents. If you can't resolve your issues with your parents, you might wish to try family counselling before you decide whether or not it would be safe and wise for you to move out of home. We hope this helps!

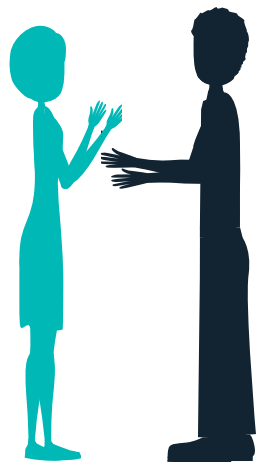
From the team at Youth Law Australia

Case study: Image based abuse

This case study is based on the experience of young person who wrote into YLA. The name and ages have been changed to protect privacy.

Hi Youth Law Australia! My name is Marco and I am 14 years old. Last year this girl and I were dating and I sent her all these nude pics. I found out recently that she has shared all of these pics with some girls in our grade and put them up on Instagram. Can I file a report with the police?

Take a guess answering this question yourself and then flip me over to see how YLA answered this question!



webmail

From: Youth Law Australia
To: mm11co@ggml.com
Subject: Your legal question

Hi Marco

Thanks for your question. We're sorry to hear about your situation and we hope there is someone you can talk to about it. Based on what you told us, this girl has broken child pornography laws and laws about making online threats. It is against the law to share a private photo of someone (e.g. a picture of their genitals or nudes) without their permission. This means you have the right to make a report to the police to put an end to this. If you want to make a report to the police, we recommend that you take screen shots of any messages you have or proof (e.g. the Instagram page). If you feel safe to, you could also contact the girl and explain to her she has broken the law and politely ask her to stop sharing your images or you will contact the police. You can also send us another e-mail and we can help you write this letter. We hope this helps!

From the team at Youth Law Australia

Case study: Consent

This case study is based on the experience of young person who wrote into YLA. The name and ages have been changed to protect privacy.

Hi Youth Law Australia! My name is Jackson. I was seeing this guy and one night things started to get a bit out of hand. At first we were just kissing but the next thing I knew he was holding me down physically and kept insisting we go further. I said no and he hit me. I was too scared to say no again so he kept going. Since I didn't technically say no the second time, does that mean I gave consent?

Take a guess answering this question yourself and then flip me over to see how YLA answered this question!



webmail

From: Youth Law Australia
To: noskcaj1@jaxmail.com
Subject: Your legal question

Hi Jackson

Thanks for your question. We're sorry to hear about what has happened to you. We want you to know that what happened to you was not your fault and it is never okay for someone to make you have sex with them, or perform any kind of sexual acts without your full consent. It doesn't matter that you didn't physically say. We think it would be a good idea for you to make a report to the police if you feel safe doing so. Attached to this e-mail is some further information about the definition of sex and consent and details on how you can contact the police. We hope this helps!

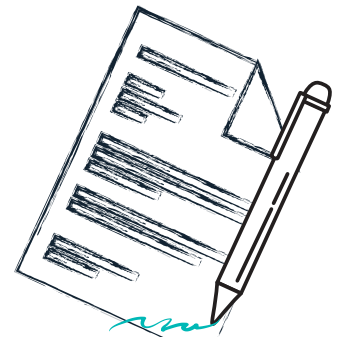
From the team at Youth Law Australia

Case study: Signing contracts

This case study is based on the experience of young person who wrote into YLA. The name and ages have been changed to protect privacy.

Hi Youth Law Australia! My name is Eliza and I am 16 years old. I was a member of my local gym which my mum signed me up for when I was 14. Now that I have my own job my mum said I have to start paying my membership. I contacted the gym and told them my situation and asked if I could go to a different plan and they said they'd give me a student discount, however even that is too expensive and I want to cancel it. The gym told me I'd have to pay a cancellation fee which is like \$400 and I can't afford that. What can I do?

Take a guess answering this question yourself and then flip me over to see how YLA answered this question!



webmail

From: Youth Law Australia
To: lizeylovestodanceandsing@mmadmail.com
Subject: Your legal question

Hi Eliza

Thanks for your question. Generally, contracts that are made with minors (anyone under 18) are not enforceable. This means that the gym cannot force you to pay your gym membership and you should be able to cancel it without paying any fees. However, there are a few exceptions to this. If the contract you signed is considered "for your benefit" then you will have to pay the fees and any cancellation fees to end your contract. We think you should send an e-mail to the gym explaining that you were under 18 at the time that the contract was signed, the reasons why the membership is not "for your benefit" (e.g. your financial situation) and ask them to cancel the contract. We also encourage you to contact your bank to cancel the direct debit so that your gym cannot continue to withdraw money from your account. If the gym refuses to cancel your membership, you can make a report to NSW Fair Trading. We hope this helps!

From the team at Youth Law Australia

Case study: Employment law

This case study is based on the experience of young person who wrote into YLA. The name and ages have been changed to protect privacy.

Hi Youth Law Australia! My name is Macson and I am 12 years old. My parents gave me permission to start looking for a job because I want to buy a new Playstation game. I found one that is a weekend job cleaning tables at a local cafe. Am I too young to apply for this job?

Take a guess answering this question yourself and then flip me over to see how YLA answered this question!



webmail

From: Youth Law Australia
To: bigmacdagamerlad@xmail.com
Subject: Your legal question

Hi Macson

Thanks for your question. In NSW there is no minimum age for a person to start employment. However, there are certain requirements that apply to young people who are working. For example, children under 15 cannot work during school hours or more than four hours on a school day. There are also restrictions on young people being in licensed venues or serving alcohol. If the cafe is a licensed venue, they must have the permission of the Liquor and Gaming Authority in order to work there or serve alcohol. We recommend that you talk to your parents and ask them to help you contact the cafe and find out if they serve alcohol. If they don't, you can consider sending in an application. We also encourage you to check out our pages on working conditions so that you know what you are entitled to if you are successful in your job hunt. We hope this helps!

From the team at Youth Law Australia

Case study: Consumer law

This case study is based on the experience of young person who wrote into YLA. The name and ages have been changed to protect privacy.

Hi Youth Law Australia! My name is Katie and I am 15 years old. I was getting out of my mum's car when my phone slipped out of my pocket and the screen smashed. I took it to one of those repair stores and they told me it would take a few days because they were really backlogged. Its been a week and they said they still haven't repaired it. They said they can't even give it back so that I can take it somewhere else because they've deconstructed it. What can I do?

Take a guess answering this question yourself and then flip me over to see how YLA answered this question!



webmail

From: Youth Law Australia
To: KTwotwot@zvmail.com
Subject: Your legal question

Hi Katie

Thanks for your question. We're sorry to hear you are having trouble getting your phone fixed. We think the best thing you can do is contact the phone repair store and write a letter explaining that if they don't return your phone within 7 days you will make a complaint to NSW Fair Trading. We can help you write this letter if you send us another e-mail with more details. In your letter you should explain that you had an agreement for how long the repairs would take, and that you are formally requesting that the phone be repaired or returned. You could also ask them for a discount on the price since it has taken so long. If they do not do this, you will need to make a complaint on the basis that you have not been treated fairly and they have not provided you with the service they agreed to. If you have any proof of this e.g. messages or receipts you will need to attach this to your complaint. If you'd like help lodging a complaint, please send us another e-mail. We hope this helps!

From the team at Youth Law Australia

Case study: Sexting

This case study is based on the experience of young person who wrote into YLA. The name and ages have been changed to protect privacy.

Hi Youth Law Australia! My name is Andreas and I am 17 years old. A boy named Mikey sent me multiple nudes and he is 14 years old. When I found out it was illegal because of his age I told him to stop and I also deleted all the images. Will he get into trouble for breaking the law? What about me?

Take a guess answering this question yourself and then flip me over to see how YLA answered this question!



webmail

From: Youth Law Australia
To: andyd@yymail.com
Subject: Your legal question

Hi Andreas

Thanks for your question. In NSW, it is illegal to make, share, request or possess material that could be considered “child abuse material”. A child is considered to be anyone under the age of 16, or someone that appears to be under 16 due to the circumstances (e.g. if they are wearing a school uniform). Exceptions include if you takes a photo of yourself alone and you are under 18 - making, sharing or keeping this photo is not against the law or if you receive a sext from another person under 18 without asking for it, and the sext is immediately deleted - in this situation, you will not get into trouble. There are also laws that apply throughout Australia that define child pornography laws as including anyone under the age of 18. If you are under 18, the police have to get special approval before they can take you to court for a child pornography offence. This permission is only given in very serious cases. This means that technically you and Mikey have broken the national laws.

From the team at Youth Law Australia

Case study: Age of consent

This case study is based on the experience of young person who wrote into YLA. The name and ages have been changed to protect privacy.

Hi Youth Law Australia! My name is Enoch and I am 14 years old. Is it completely illegal for anyone under the age of 16 to engage in any form of intercourse (e.g. oral sex, masturbation or penetrative sex?) For example, if a 14 year old and a 16 year old consented to sex, would that be legal? I read something on your website about 2 years apart in age. How do I calculate that?

Take a guess answering this question yourself and then flip me over to see how YLA answered this question!



webmail

From: Youth Law Australia
To: EZnoch@xmail.com
Subject: Your legal question

Hi Enoch

Thanks for your question. For your first question, although it is illegal to have sex (this includes intercourse and oral sex) if you are under the age of 16 in some situations, it might not be completely illegal. If a person is 14-16 years old, it would be legal for them have sex as long as the other person is no more than 2 years older than them and both parties have consented. There are no laws about masturbation so long as it is done in private and not in front of anyone under 16. For your second question, the 2 year age gap is calculated from the day you were born. This means that not only does it include months, it even includes days. Please keep in mind there are different laws that can apply if the older person is in a position of care or authority over the younger person. For more information on this, please send us another e-mail! We hope this helps!

From the team at Youth Law Australia