

## When Can I? Information for young people about when they can legally do stuff in NSW

Legal sources researched by Legal Aid NSW for Youth Week April 2019

See our Legal Issues for Young People page at [www.legalaid.nsw.gov.au/whencani](http://www.legalaid.nsw.gov.au/whencani) for more resources

Question - When Can I?	Answer - Age you can	Relevant legislation
Consent to have sex	16	s66C, <i>Crimes Act 1900</i> Same age applies for same sex or heterosexual sex
Get my own facebook, snapchat or insta?	13	US Federal Law, <i>COPPA (Children's Online Privacy Protection Act) 1998</i> See also home pages for different social media types
Get a tattoo	18 Or 16 with a parent or guardian's OK	s230, <i>Children and Young Persons (Care and Protection) Act 1998</i> A young person under the age of 18 can get a tattoo if they have the consent of a parent. This consent can be in the form of the parent accompanying the young person, or by providing written consent.
Get a piercing	16 Or Any age with a parent or guardian's OK (except for nipple or genital piercing)	s230A, <i>Children and Young Persons (Care and Protection) Act 1998</i> Intimate body piercings are genitalia or nipples. A parent and a young person cannot consent to the intimate body piercing of a young person if they are under the age of 16.
Buy alcohol, cigarettes or e-cigarettes	18	s117, <i>Liquor Act 2007</i> ss 22 and 26, <i>Public Health (Tobacco) Act 2008</i>
Open a bank account	12 (if you can sign your name as a signature the same way every time) Or Any age with a parent or guardian's OK	See bank websites for their rules – ANZ 12 years, NAB 14 years

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Leave school	17 Or When finish Year 10 (if you then go into full-time education, training, paid work or a combination of these)	s21B, <i>Education Act 1990</i> If the young person completes year 10 and is still under the age of 17, he or she is of compulsory school-age and they must continue in full-time education, training, paid work or a combination of these activities, until they turn 17 years of age. <a href="https://education.nsw.gov.au/public-schools/going-to-a-public-school/translated-documents/new-school-leaving-age">https://education.nsw.gov.au/public-schools/going-to-a-public-school/translated-documents/new-school-leaving-age</a>
Vote in elections	18	s93, <i>Electoral Act 1918</i> (Cth)
Get a passport	18 Or Any age with both parent's or guardian's OK	s11, <i>Australian Passports Act 2005</i> (Cth)
Get my own Medicare card	15	<a href="http://www.humanservices.gov.au">www.humanservices.gov.au</a>
Talk to a counsellor	Any age	<a href="https://au.reachout.com/articles/what-is-age-and-confidentiality">https://au.reachout.com/articles/what-is-age-and-confidentiality</a>
Buy condoms	Any age	There are no restrictions on age. See above when can I consent to have sex?
See a doctor by myself	14	Most doctors and health workers will accept consent from children aged 14 and over. If the young person is under 16 the doctor may want to get a parent or guardian's OK before they give the young person a prescription or treatment. <a href="https://au.reachout.com/articles/what-is-age-and-confidentiality">https://au.reachout.com/articles/what-is-age-and-confidentiality</a>
Get in trouble with the police	10	s5, <i>Children (Criminal Proceedings) Act 1987</i>
Buy spray paint	18	s7, <i>Graffiti Control Act 2008</i>

Question - When Can I?	Answer - Age you can	Relevant legislation
Go to a night club, pub or casino by myself	18	s117, <i>Liquor Act 2007</i>
Be sent to prison	10 (to a Juvenile Detention Centre)	s5, <i>Children (Criminal Proceedings) Act 1987</i> <i>Children (Detention Centres) Act 1987</i>
Get a job	<p>Any age (as long as your job doesn't stop you going to school if you haven't completed Year 10)</p> <p>Some jobs require the employer to have an employer's authority issued by the <a href="#">Office of the Children's Guardian</a> before they can employ a child. These include if:</p> <ul style="list-style-type: none"> <li>the employee is under 15 years and employed in entertainment, still photography and door-to-door selling or;</li> <li>the employee is under 16 years and employed as a model</li> </ul>	<p><a href="https://www.industrialrelations.nsw.gov.au/employees/new-work-faq">https://www.industrialrelations.nsw.gov.au/employees/new-work-faq</a></p> <p>s5, <i>Industrial Relations Act 1996</i></p> <p><i>Industrial Relations (Child Employment) Act 2006</i> <i>Chapter 13, Children and Young Persons (Care and Protection) Act 1998</i></p> <p>Children and Young Persons (Care and Protection) (Child Employment) Regulation 2015 and the Code of Practice</p>
Get your learners licence	16 for a car Or 16 and 9 months for a motorbike	s12, <i>Road Transport (Driver Licensing) Regulation 2017</i>
Sign a contract to buy a mobile phone, car, motorbike, gym membership or rent a place to live	18 Or Any age as long as it is for your benefit and you understand what you are signing	ss18 and 19, <i>Minors (Property and Contracts) Act 1970</i>

Question - When Can I?	Answer - Age you can	Relevant legislation
Apply to Centrelink for Youth Allowance	16	s540, <i>Social Security Act</i> Youth Allowance is an income support payment for young job seekers and full-time students or Australian apprentices
Get fined	10	s53, <i>Fines Act 1996 (NSW)</i>
Get a credit card or a money loan	18	ss18 and 19, <i>Minors (Property and Contracts) Act 1970</i>
Get married	16 (with a court's OK and one person is over 18) Or 18	ss12 and 13, <i>Marriage Act 1961</i> But only where: <ul style="list-style-type: none"> <li>• There is a court order from a Judge/Magistrate (s12) and;</li> <li>• There is the consent of parents or guardians (s13) and;</li> <li>• The other party is at least 18 years old.</li> <li>• Under no circumstances can both parties be under the age of 18 and marry - s12(1) of the Act.</li> </ul>
Change my name	18 Or Any age with both parent's or guardian's and your consent	ss28 and 29 <i>Births, Deaths and Marriages Registration Act 1995</i>
Move out of your parent or guardian's home	Any age (as long as you have a safe place to live and enough money to live on)	There is no legislation that says a young person cannot leave home before 18 years of age.  The older the young person is, the less likely authorities (such as police, community services or courts) are to get involved.  As long as the young person has a safe place to go, is being financially supported and there are no concerns arising that would require a notification to community services based on risk of serious harm as per child protection legislation.

## When can I talk to a lawyer?

You have the right to talk to a lawyer at **any age** if you think you have a legal problem.

What you say to a lawyer is confidential. This means they can't tell your parents, guardian, the police or anyone else unless you say it's OK.

## Why would I talk to a lawyer?

Legal problems can be hard to spot.

A lawyer can help you with problems at home, school, with fines, money, your boss or landlord or if you have to go to Court.

## To get free help with your legal problems:

- Call [LawAccess NSW](#) 1300 888 529
- Call the [Legal Aid NSW Youth Hotline](#) 1800 10 18 10
- Visit the [Youth Law Australia](#) website