

LEGAL ADVICE

If you need legal advice, there are a number of free legal services available:

Caxton Legal Centre

Tel: (07) 3214 6333

www.caxton.org.au

Legal Aid Queensland—Youth Legal Advice Hotline

Tel: 1800 527 527 or 1300 650 143 for Indigenous information line

www.legalaid.qld.gov.au

To find your nearest community legal centre providing free legal advice, visit the **Community Legal Centres Queensland** website at www.communitylegalqld.org.au

If you are between 10 and 18 years of age, the **Youth Advocacy Centre** can provide free advice about a variety of legal matters. Representation in criminal matters is available for those 17 years and under. The centre's website has useful information on parties and out-of-control events. Tel: (07) 3356 1002

www.yac.net.au

Caxton Legal Centre's *Police Powers - Your Rights* publication is available online and contains information about move-on powers, police searches, arrest and going to court. If you have to go to court, also view the video about this on the Caxton Legal Centre website.

This information is intended only as a guide. It is not a substitute for legal advice.

The law is complex and constantly changing. The information in this brochure is based on the law as at 30 September 2019. New protest laws are likely to be introduced shortly. You should always get specific legal advice if you are charged with any offences.

KNOW YOUR RIGHTS

- If approached by police you need only give your name, address and, if under 18, your age.
- You have the right to remain silent after providing those details.
- You do not need to go to the police station unless you have been arrested or detained.
- There is no such thing as an off-the-record interview. Always ask to contact a lawyer before a police interview.
- Ask to be allowed to make a phone call to your family or a lawyer if you are arrested. If this is refused, take note of the name of the officer involved and tell your lawyer. Your phone may be taken off you if you are arrested. So, before you go to Schoolies, find out who you should contact in case you need a lawyer's help at the watch-house.
- Do not give an interview until you have received proper legal advice from a lawyer.
- In some cases, the Queensland Police Service (QPS) can issue a ticket called an 'infringement notice' for a certain type of public nuisance offence, a public urination offence, and a related offence for obstructing police or disobeying a police direction. Under such a ticket, you automatically get a fine (of 1 to 6 penalty units). If you pay the fine within 28 days, you do not have to go to court and no criminal history is recorded. If you dispute the ticket, you can elect to go to court for a contested hearing. However, you should be aware that, if you are found guilty or change your mind and decide to plead guilty, you will also have to pay the offender levy (\$125.80 in the Magistrates Court) in addition to any penalty imposed. If you lose your case, you may also get a criminal history. More details are available on the QPS website. For more information about how matters are handled under the Youth Justice Act in the Childrens Court (if you are under 18 years of age), see the legal information section on the Youth Advocacy Centre's website.

Schoolies Week ...

what you need to know about the law

Have fun at Schoolies week and don't get caught up with the law. Below is a list of some common offences that could get you in trouble. A fine of 1 penalty unit equals \$133.45.

Remember, having a criminal history can affect your future employment and travel opportunities.

ASSAULT

Street brawls can result in a person being charged with common assault.

The offence of assault requires force to have been used either directly (e.g. by punching or pushing with a hand) or indirectly (e.g. by throwing a drink) against a person. An assault can also be committed by threats and gestures.

Maximum penalty: 3 years jail for common assault (if you are found guilty of being drunk and in a public place when you commit this offence, you will also normally have to do community service as part of the penalty).

Where the assault is very serious (e.g. assault on someone over 60 years or on a disabled person), the penalty can increase to 7 years. Assault causing bodily harm, 7 years, but if in company or carried out with a weapon, 10 years jail.

Assaulting or obstructing a police officer is a separate offence and is treated very seriously by the courts. Obstructing a police officer includes resisting arrest.

Maximum penalty: 40 penalty units or 6 months jail if charged under the Police Powers and Responsibilities Act; or 60 penalty units or 12 months jail if the offence occurs in or near licensed premises such as a pub; but if charged under the Criminal Code with serious assault of a police officer, 7 years jail, and up to 14 years if the offence involves spitting on or biting a police officer.

BUYING AND DRINKING ALCOHOL

It is an offence to pretend to be 18 to buy alcohol.

It is normally an offence to drink alcohol in a public place and it is illegal to be drunk in public (e.g. in a park).

Maximum penalty: 2 penalty units.

It is an offence for a child to possess or consume alcohol on licensed premises.

Maximum penalty: 25 penalty units

CONTRAVENING A POLICE DIRECTION

Failure to comply with a police direction, requirement or move-on direction without a reasonable excuse is an offence.

Maximum penalty: 40 penalty units; 60 penalty units if the offence occurs in or near licensed premises and some other places.

PUBLIC NUISANCE

Public nuisance can occur in a number of ways, including where a person behaves in a way that is disorderly, offensive (this includes using offensive or abusive language), threatening (including using threatening language) or violent, and this behaviour interferes with, or is likely to interfere with, another person's passing through or enjoyment of a public place.

A public complaint about a nuisance being committed is NOT required, so police can charge a person if they feel a public nuisance has been committed.

Maximum penalty: 10 penalty units or 6 months jail; but it may be 25 penalty units or 6 months jail if the offence occurs in or near licensed premises.

FAKE IDs

It is illegal to pretend that you are 18 years old (or more) if you are not yet 18 in order to enter licensed premises (e.g. a pub).

Altering an ID card to make it appear as though you are 18 or older or giving someone else a fake ID is also against the law.

Maximum penalty: 25 to 40 penalty units.

WILFUL EXPOSURE

Flashing is against the law.

Maximum penalty: 2 penalty units; or in aggravated circumstances (e.g. deliberately flashing to offend someone) 40 penalty units or 1 year jail.

PUBLIC URINATION

It is an offence to urinate in public.

Maximum penalty: 2 penalty units; 4 penalty units if the offence occurs in or near licensed premises.

SEXUAL OFFENCES

Sexual offences are sexual conduct without consent. 'Consent' is permission given freely and voluntarily by a person with the understanding and capacity to give consent. People may be too drunk to give consent. Consent can be revoked at any time. People under the age of 16 cannot ever consent to sex.

Sexual assault is unwanted or forced sexual action or behaviour without consent.

Maximum penalty: 10 years jail and up to life imprisonment for particularly serious cases.

Any sex with someone under the age of 16 is illegal.

Maximum penalty: 14 years jail.

Filming or photographing people having sex (or their genitals or anal area) without consent is illegal. Sharing such images, privately or on the internet can also lead to criminal charges.

Maximum penalty: 3 years jail.

Sexting (distribution of provocative or sexual images) of people under the age of 16 (including yourself) can expose you and the person receiving the sext to charges of possessing and distributing child exploitation material.

Rape is the penetration of another's genitals or anus by any body part or object without consent.

Maximum penalty: life imprisonment; for attempted rape 14 years jail.

If you have been the victim of a sexual offence, you can report it to police by calling 000 immediately. Guidance and support is available by calling 1800 RESPECT (1800 737 732) or the statewide Sexual Assault Helpline on 1800 010 120.

Sexual harassment is any unwelcome sexual attention such as unwanted touching, jokes or requests for sex. It is also illegal but police might only assist if it also amounts to a sexual offence. More information is available at www.qhrc.qld.au.

OTHER OFFENCES

Other offences include wilful damage to property, possessing graffiti devices, trespassing, possessing illegal drugs or drug equipment, drink driving, unlicensed driving, dangerous driving, interfering with road use, unauthorised BASE jumping or abseiling, carrying a weapon (e.g. a knife) or pretending to be armed in public and causing riots or breaches of the peace.

Remember, if you cause a lot of noise with instruments or electronic sound equipment, police may end up confiscating this property and stopping you using it for a set period. They first need to have given you a warning to stop making the noise. So, be aware of the consequences of ignoring such a direction.

POSSESSION OF DRUGS

Police may decide to give someone a drug diversion on the spot for possessing minor amounts of certain illegal drugs.

Take care to avoid getting into arguments with police.