

# **Young People's Law: a Rover perspective**

Putting it all in context

*Prepared for Murrumbidgee Rover Crew  
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***Is the presence of a foreign country's armed forces in another country without their permission or knowledge acceptable because they are there to hunt and kill an international terrorist mastermind?***

***Is 'justice' truly achieved through death?***

***Is 'eye for an eye, tooth for a tooth' a better outcome than arrest, charge, trial and penalty?***

**Ethical/legal quandry: a way to start debate**

- You are legally entitled to receive a pay slip from your employer
- Your pay slip must list hours worked, rate of pay, any amounts withheld (eg. super, tax, private health etc) and list the bank account it was paid into – it must also list any work at a higher rate and the number of hours worked at that higher rate
- Your employer is legally obligated to withhold tax from your pay and pass it to the ATO – if you get paid cash in hand, its usually a good time to start questioning whether you should keep working there
- So long as the criteria are met, your employer is obliged to pay 9% of your salary into superannuation

## Your rights at work

- Establish early on which agreement you are to be paid under and get a copy of it
- Make sure you know your entitlements and make sure they are adhered to – don't let your boss screw you over
- If things aren't right, ask questions
- Don't be afraid to make a formal complaint – you are entitled to be paid regularly and correctly
- Lodge a formal complaint with either your union or Fair Work Australia to have your underpayment formally investigated – this may result in your boss being legally required to pay this money to you

## Your rights at work: tips

## Scenario 1: *Richard*



- Depending on your age – you may be tried as a child or an adult – different penalties apply and the court must treat you differently
- Not all criminal offences involve the use of a jury – a jury is only used for 'indictible' offences – serious criminal offences
- Unanimous juries operate in the ACT – everyone must arrive at the same decision
- Other less serious offences, known as summary offences (drink driving, break and enter etc) provide a range of penalties that the judge can choose from depending on the severity of your actions, your history and your chance of re offending

## Getting on the wrong side of the law

- In any circumstance you interact with a police officer whether it be a speeding ticket or something more serious – ask for their badge number – this will help you get in touch with them if you need to later on
- Seek legal advice when necessary – free legal advice is available to young people at the Youth Law Centre in Civic or from Legal Aid ACT by phone
- In the event of being arrested – make sure it is very clear what you are being charged with, answer the police officer's questions frankly and honestly and speak to a lawyer if you have any questions – you are entitled to seek legal assistance at any stage

## **Getting on the wrong side of the law: tips**

## Scenario 2: *Mike*



- Both parties must consent and both parties must be over the age of sixteen years – period
- Informed consent must occur every single time – consent is determined in relation to the victim's state of mind
- Silence is not consent, lack of physical resistance is not consent either, consent can also be withdrawn at any stage
- Be very careful what happens and with whom – be careful about the circumstances in which they happen – intoxication is not available as a defence in these circumstances

## The law of consent: how it actually works

## ***Scenario 3: 'The party'***

- Uniform legislation exists across the country – you will receive protection no matter where you shop
- This application of this law cannot be cancelled by the store (eg. no refunds policies)
- Your rights as a consumer continue after the manufacturer's express warranty
- As a consumer you have the right that the products be 'of merchantable quality' and 'fit for purpose'
- Should the products not fit these requirements you are entitled to rescind (cancel) the contract of sale

## 'Shopping law'

- These requirements extend to all goods – eg. shoes that fall apart the day they are purchased, a TV which fails within a week of purchase, a computer that never boots, an expensive dress which starts to fray the first time it is put in the wash
- Do not let the retailer try and cancel liability by using a no refunds policy or saying they have no ability to make the decision to refund/repair and that they must consult the manufacturer – ultimately the contract of sale is between you and the store – remind them of this
- Know your rights and don't be afraid to enforce them
- If the retailer is unwilling to give ground – lodge a complaint with their head office, the ACT Office of Regulatory Services or the ACCC – all of these are simple processes and will often get your situation fixed promptly and equitably

## 'Shopping law': tips

## Scenario 4: *Kirstyn*



- All Australians eligible to be called upon for jury duty except for particular professions
- Limited circumstances exist where an individual can decline jury duty – seen as a civic duty to one's fellow citizens
- Jury has sole job of determining guilt or innocence based on the evidence presented to them – it has no role in determining form or severity of penalty/sentence

## Juries and jury duty: how it works

- Check your employment agreement – many include an allowance for jury duty
- You do not have the ability to pick and choose which case you are involved in so be prepared for it to be unsavoury, make you uncomfortable or for it to be gruesome
- Jury duty may run from a number of days to a number of months depending on the length and complexity of trial
- During the length of the trial, jurors are not allowed to communicate with the outside world – the court will arrange for meals and accommodation for jurors during the trial – this ensures the confidentiality of the trial and ensure that jurors opinions are not tainted
- Unlike America, jurors are not allowed to speak to the media either during trial or afterwards – this is itself a criminal offence on the part of the juror
- Whilst all juries go through a process known as empanelling (the process of selecting the jury) where the lawyer for each side may voice objections to a particular individual being included in the jury – this does not extend to an ability to jury profile as occurs in America to construct a favourable jury

## Jury duty: tips

## ***Scenario 5: Carl, Huw and Dac***



- You can own and operate your business in a number of forms depending on its complexity, size, income and industry
- You are legally obliged to collect GST on all applicable transactions and remit this GST to the ATO – you may also claim back GST on your business expenses
- You must keep accurate records of all income and expenditure of the business for tax time
- You must ensure the business name is registered with the ACT Office of Regulatory Services and you may wish to consider trademarking the name or logo too
- Check whether there are any special rules for your industry (eg. liquor license) and adhere to them
- Ensure you are properly insured (stock, staff – workers comp and public liability if applicable)

## Owning and operating a business: your legal requirements

# *Scenario 6: Hannah & Jess*



# **Mock trial: Jack and the Beanstalk**