



## Australian law

Australia is a multicultural society with migrants coming from many different cultural and religious backgrounds. Australians have many common values and principles that unite them. **They live by the same laws.** Different religions and cultural practices co-exist with the secular legal system of the country. All Australians have the right to express their culture and beliefs. At the same time everyone is expected to uphold the principles and shared values and freedoms that support Australia's way of life.

These shared values include:

- freedom of speech
- freedom of association
- freedom of assembly
- freedom of religion
- freedom of movement
- respect for the freedom and dignity of the individual
- commitment to the rule of law
- parliamentary democracy
- equality of opportunity for all individuals, regardless of gender, country of origin, religion or ethnic background
- acceptance of cultural diversity
- a spirit of equality that embraces mutual respect, fair play and compassion for those in need.

### Dealing with government officials

On your arrival in Australia, you will be dealing with officials from many government services. Officials are bound by strict rules to provide services in a professional and fair manner. Do not offer an official any money, thinking you will get better service by doing so. This is against the law. Offering money or a bribe of any kind may result in criminal action being taken against you.

### Australian police

Police in Australia are employees of the government, helping to keep the peace and promote safety in the community. Each state and territory has its own police force and the Australian Federal Police are the national police. The law is different in each state and territory. Police prevent and detect crime, protect life and property and enforce the criminal law. The Australian police force is not part of the military. You should not fear the police in Australia, but remember to respect them and listen to and follow their directions at all times.

### Australian laws

Australian laws apply to Australian citizens and residents. The Australian justice system is independent of government. If you have any questions about Australian laws, be sure to ask your caseworker or proposer so they can help you correctly understand how the laws apply to you and your family. One of the reasons laws are in place is to keep you and your family safe. Knowing some basic laws will help you adapt to your new life in Australia.

## Equality and the law

In Australia all people are equal under the law. All Australians have the right to be respected and treated in a fair and equitable manner. This applies to employment, education, accommodation, religious freedom (within Australian laws), buying goods, access to services such as doctors, banks and hotels, and detention or arrest by authorities. No person can be treated differently because of their:

- gender
- race/ethnicity
- country of origin
- age
- marital status
- pregnancy
- political and religious beliefs
- disability
- sexual preference.

## Religion and the law

Australia has no official or state religion and all Australians are free to practice any religion they choose. Religions practised in Australia include Christianity, Buddhism, Islam, Judaism, Hinduism and many others. People can practice religious customs and rituals as long as they are not in conflict with Australian laws. Religious laws are not recognised in Australian law and have no legal status in Australia.

## Violence and the law

Committing an act of violence against another person is against the law in Australia. Assault is a criminal offence and the penalties are severe. It is against the law to be violent towards any person – a man, woman, child or a family member.

## Domestic and family violence

The Australian Government does not tolerate domestic and family violence under any circumstances. Domestic and family violence are crimes against the law. A person who commits these crimes can go to jail, whether they are a man or a woman. Domestic and family violence includes behaviour or threats that aim to control a male or female partner or child by causing fear or threatening their safety and wellbeing. Behaviour or threats can be directed at an adult, child or property and can include slapping, hitting, choking, denying essential money to the partner or family members, isolating the partner from friends and family, insults, constant criticism or threats to children. There are culturally sensitive services in Australia that can help. For more information, go to [www.1800RESPECT.org.au](http://www.1800RESPECT.org.au)

## Sexual assault

In Australia, it is against the law to sexually assault anyone. A person who commits sexual assault can go to jail, whether they are a man or a woman. Sexual assault is a physical assault of a sexual nature. It is directed towards another person, including a partner, or spouse, without their consent. Sexual assault can include rape, or forcing anyone to have sex or perform sexual acts, forcing someone to watch or engage in pornography or having sex or performing sexual acts with a child. There are culturally sensitive services in Australia that can help. For more information, go to [www.1800RESPECT.org.au](http://www.1800RESPECT.org.au)



## Child abuse and the law

Children are protected by Australian law from abuse or violence. This abuse includes physical, psychological or sexual abuse. All forms of child abuse are serious crimes in Australia. In some cases, a child suffering from abuse can be taken away from their family by the government for their protection. If clients are aware that a child is suffering from abuse, or they suspect a child is suffering from abuse, under the law, they must report it to the police.

In Australia, it is not acceptable to discipline children through beating or hitting them hard. It is very important that parents learn ways to discipline their children without using violence. Parents can get additional support for looking after their children – from friends, other family members, community centres and child care centres. Information and advice on parenting is available from councils, social workers, counselling professionals, kindergartens and schools as well as on websites, such as the Australian Institute of Family Studies. For more information, go to [www.aifs.gov.au](http://www.aifs.gov.au)

Parents are responsible for the welfare of their children in the home. Although there are no laws stating the minimum age a child has reached to be left home alone, parents must ensure their children's safety and wellbeing.

## Knives, weapons and the law

There are very strict rules about ownership of firearms and other weapons in Australia. People who want to own a firearm must have a licence. Knives are generally considered dangerous weapons and are illegal in public places. The laws and penalties differ between each state and territory. For more information, go to [www.ag.gov.au](http://www.ag.gov.au) and search for 'Crime and corruption'.

## Marriage and the law

In Australia, people are free to choose whether to get married. Usually, a person must be over 18 years of age to be legally married. In some circumstances a person over the age of 16 can get married, but this requires a court order. A person who is already married may not marry another person unless they are widowed or legally divorced. Being married to more than one person at the same time is called bigamy or polygamy and can result in imprisonment.

Forcing anybody to get married is a serious crime in Australia. A person must agree to the marriage without being forced or tricked. An arranged marriage, where both people freely consent to get married, is different to a forced marriage. Arranged marriages are legal in Australia. It is illegal to take or send someone to another country for forced marriage or get someone else to organise this. It should also be noted that giving dowries is not a customary practice in Australia. There are culturally sensitive services in Australia that can help. For more information, go to [www.1800RESPECT.org.au](http://www.1800RESPECT.org.au)

## Sexuality and the law

The Legal Age of Consent (the age that the law recognises a person's right to agree to have sex with another person) varies from state to state in Australia. This is 16 years for both males and females in all states and territories except South Australia and Tasmania. The age of consent for sexual activity between same-sex couples is higher in Queensland. There are heavy penalties for anyone engaging in sexual activity with a person under the age of consent.



## Tobacco, alcohol and the law

Smoking is banned in many public places in Australia, including all airports, government offices, and workplaces. Smoking in restaurants, bars, clubs and shopping centres is also banned in most states and territories. It is also illegal to smoke in cars with children under 18 in many states. Non-smoking areas are often, but not always, shown by a sign.

It is against the law for anyone to sell tobacco products to a minor (that is, someone under 18 years old). Giving tobacco to a minor is also prohibited in most states and territories.

Drinking alcohol is legal in Australia but only in certain places at certain times. Drinking and selling alcohol is banned in most public areas. It is against the law for any person to sell or supply alcohol to a minor (someone under 18 years of age). It is also against the law for a minor to drink alcohol except on private property such as a private home. Even though it is legal for minors to drink in the home, it is generally considered socially unacceptable for their safety and health. For more information, go to:

- [www.quitnow.gov.au](http://www.quitnow.gov.au)
- [www.alcohol.gov.au](http://www.alcohol.gov.au)

## Drugs and the law

Although we think of some drugs as being legal and others being illegal, many drugs are somewhere in between. Some substances are legal, but there are laws restricting their use or sale. Others are illegal to use, possess or produce. Importing or bringing drugs into Australia is a serious offence and penalties include time in jail. Other offences include having, growing, harvesting, selling or using illegal drugs. There are also laws prohibiting driving while under the influence of drugs and random testing stations managed by the police can legally ask you to pull over while driving to provide a saliva sample for testing. The laws and penalties differ between each state and territory. Caution should also be applied to driving after taking prescription drugs. For more information, go to [www.drugs.health.gov.au](http://www.drugs.health.gov.au)

## Fraud and the law

Clients must always provide correct information about their family situation and income to government agencies like the Department of Human Services and the Australian Taxation Office. There are penalties for providing misleading information to government agencies including loss of income support payments and paying money back to the government.

## Privacy and the law

Australia has laws to protect the privacy of individuals. All government agencies must follow the *Privacy Act 1988* that states how your personal information must be stored, used and collected. Most non-government organisations have a privacy statement that tells people how their personal information may be used. If you feel uncomfortable with the way your personal information has been used you can contact the Office of the Federal Privacy Commissioner. For more information, go to [www.oaic.gov.au](http://www.oaic.gov.au) and search for 'Australian Privacy Principles'.

## Legal Aid

Legal Aid is a government funded legal service with offices in each Australian state and territory. It provides legal representation for those unable to afford a private lawyer, as well as free legal advice and assistance. If you have a legal concern, talk with your caseworker for contact details of your nearest Legal Aid Centre. For more information, go to [www.australia.gov.au/content/legal-aid](http://www.australia.gov.au/content/legal-aid)

