

Searching

- ▶ Police can only search you in a public place without a warrant if they reasonably suspect you have illicit drugs, weapons such as knives, you have something that could be used for graffiti or you are in an area where a lot of violent crime occur.
- ▶ In every pat down search situation, the searching police officer must be of the same sex as the person being searched, make a written record of the search and provide you with a receipt of the search.
- ▶ If you are under the age of 18, police cannot search you for alcohol but they can confiscate it from you if they see it.
- ▶ Police can search you if you are under the age of 18 and suspect you are going to inhale volatile substances (chroming paint, butane or nitrous oxide/nangs).
- ▶ Under graffiti prevention laws, Police can search you if they suspect you are over the age of 14 and:
- ▶ They suspect you to have a graffiti tool such as spray paint, stencils etc...
- ▶ You are in or adjacent to public transport property
- ▶ You are trespassing. Police can ask you to remove your outer clothing to search the clothing under these garments. Before they do so, they must tell you their name, rank and the name of the station where they are based.



Fingerprinting & Photos

There are different laws for fingerprinting that depend on your age. If you are:

- ▶ Under 10: the Police are not allowed to finger print you.
- ▶ 10 -14: you and your parent or guardian have to agree before giving your finger prints. You do not have to agree to this. If you don't, Police have to get permission through the Children's Court.
- ▶ 15-17: your parent, guardian or an independent person must be present when you are asked to give your fingerprints as well as when they are taken.
- ▶ 17 and older: in most situations, you must let the police take your fingerprints if they believe you have committed an offence.

You have the right to refuse getting your photo taken. If you are between the ages of 10-17, your parent or guardian must give consent before the photo is taken.

For more information about laws and your rights visit:
W legalaid.vic.gov.au (Legal Aid Victoria)

Contact Us

If you would like further information please contact us via:



📍 Youth Service, PO Box 94, Greensborough
☎ 3088 9457 9855 | ✉ banyuleyouth@banyule.vic.gov.au
🌐 banyuleyouth.com | 📘 facebook.com/banyuleyouth

Banyule Youth Services have provided this information as a community service. Contact details were correct at time of printing. Banyule Youth Services does not specifically endorse these services nor take responsibility for incorrect information.



Your Rights & Legal Information

Your guide to services for young people in Banyule



Services

Banyule Community Health Services – Legal Services

Through Banyule Community Health Service, free community legal services are available to City of Banyule residents who are current holders of a Health Care Card or Pension Card. As well as legal services, you can also access a range of online information and resources for the community. 21 Alamein Road, West Heidelberg, 3081
P 9450 2002 (Enquiries and appointments)
W bchs.org.au

Youthlaw @ Frontyard

Youthlaw provide free and confidential legal advice to young people 25 and under. Drop in Youthlaw service is available from 2-5pm on Monday, Tuesday & Friday at Frontyard Youth Services. Youthlaw also have online legal information and resources that are accessible to parents, families and professionals supporting a young person/people. Frontyard Youth Services: 244 Flinders Street, Melbourne 3000
P 9611 2412 E: info@youthlaw.asn.au
W youthlaw.asn.au (Youthlaw Website)

North East Citizen Advocacy

North East Citizen Advocacy is a community based program that aims to recognise, promote and protect the rights and interests of people with intellectual disabilities.
P 8407 3684 | **W** citizenadvocacy.com.au

Job Watch Inc

Job Watch Inc is a free telephone legal information and referral service and specialise in employment law.
P 9662 1933 | **W** jobwatch.org.au

Victorian Aboriginal Legal Service

Victorian Aboriginal Legal Service offers legal assistance to Aboriginal and Torres Strait Islander people. 273 High Street, Preston 3072
P 9418 5999 OR Free call: 1800 064 865
W vals.org.au

Women's Legal Service Victoria

Women's Legal Service Victoria provides specialist legal services for women in Victoria. They provided face to face services including court representation as well as telephone legal advice and referral. L10, 2477 Williams Street, Melbourne 3000
P 8622 0600 | **W** womenslegal.org.au

Justice Connect Homeless Law

Homeless Law is a service through Justice Connect where people experiencing or are at risk of homelessness can access specialised free legal services.
P 1800 606 313 (Free Call) | **W** justiceconnect.org.au

Youth Law Australia

Youth Law Australia is a community legal service that offer free and confidential legal advice, assistance and referrals to young people 25 and under and their advocates through an online service.
W yla.org.au

Legal Aid Victoria

Legal Aid Victoria offer legal information on a range of topics including school, sex, your rights, police and the courts system plus many more.
P 1300 792 387 | **W** legalaid.vic.gov.au

Court Network

Court network offer personal and emotional support, referral, information and programs for those who are in contact with the justice system. This is not a legal service. Melbourne Office: 555 Lonsdale St, Melbourne, 3000
P 8306 6966 or 1800 681 614 (Free call)
W courtnetwork.com.au

Your Rights

Giving Police Your Information

- ▶ If requested, you should give your name and address to police and protective service officers (PSO). Police and PSOs must tell you the reason why they are questioning you, if they don't you should ask. You also have the right to ask for the officer's name, rank and where they are stationed.

Under Arrest

- ▶ You do not have to go anywhere with the police unless you are under arrest. The police must state "you are under arrest", and why you are under arrest. Always ask why they are taking you to the police station and for the details of the arresting officer.

Questioning & Statements

- ▶ If you are under the age of 18, the police must not question you unless your parent or guardian are there, unless you have stated you do not want them present. While you are waiting for your parent, guardian, lawyer, interpreter or independent person, you should refuse to answer any questions (other than stating your name and address) until they are present.
- ▶ In the circumstance where someone else involved in the crime might get away or if waiting may cause danger to other people, police do not have to wait for a parent, guardian or independent person to arrive before questioning.

- ▶ Police may ask you questions as either a suspect (believe you have committed a crime) or as a witness. In either cases, you have the right to remain silent. If the officer says you're breaking the law by withholding information, you have the right to ask to speak to a lawyer.
- ▶ You also have the right to phone a friend or relative.
- ▶ There is no such thing as "off the record" statements. Anything you say to a police officer at any time may be used against you to charge or arrest you. If you do not want to answer their questions, respond with "No comment until I get legal advice" to all questions (other than your name and address).