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MOTOR VEHICLES

It is an offence to drive a motor vehicle on a road while unlicensed, or to allow another person known to be unlicensed to drive a motor vehicle on a road. The drivers involved in an accident are legally obliged to stop immediately and help anyone who may be injured.

Drivers are also required to give their name and address, the name and address of the car's owner (if different from their own) and the registration number of the car to any person injured, or to the owner of any property damaged or to any police officer present.

If anyone is killed or injured in a motor vehicle accident, or if property damage worth more than \$2,500 has occurred, drivers must give full details of the accident to any police officer at the scene. If there are no police officers present, drivers must report the accident to the nearest police station as soon as possible, unless personal injuries prevent them from doing so.

The accident should be reported to an insurer as soon as possible. Failure to do so may result in an attempt by the insurance company to deny compensation under the policy. A person who drives a motor vehicle on a road or elsewhere without due care or consideration for others is committing an offence under the Traffic Act and can be fined up to \$2,400 or 6 months imprisonment. This includes such things as crossing a double line, failure to signal an intention to turn.

Dangerous driving is a criminal offence and punishment can include a fine and/or imprisonment. This includes speeding and disobeying traffic rules and regulations.

Drinking and drugs

It is illegal to drive a motor vehicle under the influence of alcohol or drugs, either illegal or lawfully prescribed by a doctor. It is an offence to drive a motor vehicle with a blood alcohol level of 50mg of alcohol per 100ml of blood or higher (.05) If the driver is under 25 years of age and does not hold a full driver's licence, any blood alcohol level is illegal.

A police officer investigating any traffic offence or accident is empowered to require:

- A person to produce their drivers licence. This can be either on the spot/within 48 hours at a police station.

- Every person to supply names and addresses of people directly or indirectly involved in an accident. You do not need to supply information regarding the accident if that information may incriminate you.

If you are under 18 years of age & in a licensed premises or public place you are breaking the law if you:

- Are in possession of alcohol
- Drink alcohol
- Give alcohol to other people who are under 18
- Send someone else who is under 18 to buy alcohol
- Use someone else's ID to try to purchase alcohol

If you are 18 or over, you are breaking the law if you:

- Supply alcohol to a person under 18 in a licensed premises or public place
- Send someone under 18 to buy alcohol
- Allow another person to use your ID to purchase alcohol or to obtain a proof of age card

FOR FREE GENERAL LEGAL ADVICE

Student Guild – QUT

The QUT Student Guild employs a professional legal service to provide students with Free legal advice.

Contact the Guild to make an appointment:

☎ 3138 1666

Email: enquiries@qutguild.com

Web: www.qutguild.com

Caxton Legal Centre

1 Manning Street, South Brisbane

☎ 3214 6333

Web: www.caxton.org.au

Legal Aid Office

44 Herschel St, Brisbane, QLD 4001

☎ 3238 3444 or ☎ 1300 651 188

Web: www.legalaid.qld.gov.au

Australian Human Rights and Equal Opportunity Commission

☎ 1300 656 419 (Complaints Info line)

Discrimination Contact Officers

QUT Equity Section

☎ 3138 2699 (Gardens Point)

☎ 3138 5601 (Kelvin Grove)

☎ 3138 2019 (ISS)

Legal Issues

The information presented here serves only as an introduction to students who may be unfamiliar with the law. **If you have a legal problem, seek help early!**

Many people suffer unnecessarily because they believe seeking legal advice will be expensive. Legal advice and assistance can be obtained for free or at a reduced cost. If in doubt, speak to an adviser about your situation to determine whether professional assistance is needed.

What is the legal age in Australia?

- A person 17 years or over is considered an adult under Criminal Law
- A person 18 years and over is considered an adult under General Law. 18 is the legal age in Australia where you can lawfully access nightclubs, casinos and other licensed venues. Underage drinking, illegal use of drugs and other criminal offences are unlawful and will be punishable according to the law.

Your rights:

A person is not required to go to a police station to answer questions unless they have been arrested. Police have the right to question any person, but the person being questioned is not obliged to answer except:

- to provide their name and address
- to produce a driver's licence for traffic offences or accidents
- to identify a driver who was driving at the time an offence was committed unless that answer will incriminate the person answering
- to provide information to a customs officer about the import and export of narcotics
- to provide date and place of birth where the police are investigating a drug matter and they are a suspect, or have been detained for search.

If a person is arrested and does not give their name or address, this may result in a refusal of bail by the police. A person under investigation or questioning for an offence has the right to remain silent unless required to answer under any Act.

Before a police officer starts to question a person in custody for an indictable offence, the officer must inform the person of the right to communicate with a friend, relative or lawyer.

People with inadequate knowledge of the English Language are entitled to have an interpreter and people with disability have the right to support person(s) and an interpreter if required.

Accused persons in custody have the right to have the interview electronically recorded.

IMMIGRATION

The Department of Immigration and Border Protection (DIBP) administers immigration law. Student visas are a temporary visa and are available to people who intend to enter Australia temporarily for full-time study. A student visa is granted if the applicant:

- accepts a full-time course of study registered by the Australian Government
- has adequate means of support; and
- arranges health insurance

Students can work up to 40 hours per fortnight while their course is in session and they can work full-time during course breaks. (see Info Sheet 7 - Employment). All students are not allowed to work until their course of study have started.

If you require any assistance with migration matters you should visit the Department of Home Affairs website at www.homeaffairs.gov.au or telephone them on ☎ 131 881 (there may be extensive waiting times on these telephone calls). The frequently asked questions section is useful for providing some answers to common issues.

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IMMIGRATION

If in doubt, speak to an ISS Counsellor about your situation to determine whether professional assistance is needed.

A registered migration agent can provide you with information or advice concerning immigration matters. You can find a registered migration agent by searching the Register of Agents in the Migration Agents Registration Authority (MARA) website: <https://www.mara.gov.au> or by calling their national number at 1300 226 272 during the working hours.

Dept of Home Affairs (DHA)
Ground Floor, 299 Adelaide Street.
Brisbane 4000
Opening hours: 9am-4pm, Monday to Friday
☎ 131 881
Web: www.homeaffairs.gov.au

Refugee and Immigration Legal Services

Level 1, 170 Boundary Street, West End
☎ 3846 9300

DISCRIMINATION

It is unlawful to act in any such way that excludes or restricts on the basis of race, colour, descent or national or ethnic origin. It is also unlawful to discriminate on the basis of sex, marital status, pregnancy or potential pregnancy in everyday life such as education, accommodation and employment. QUT is committed to providing a freedom from all forms of discrimination in education and employment. Claims for discrimination must be made within 12 months of the incident of discrimination.

The process of resolving discrimination matters emphasises conciliation. However, if the matter is still not resolved, it can proceed to a formal hearing. Students or staff should seek advice from a Discrimination Contact Officer. Locations of Contact Officers can be found at: www.qut.edu.au/about/equity

DOMESTIC VIOLENCE, Australia says NO

Domestic Violence is the abuse of a person by a family member. Where the relationship between the persons involved is that of a spouse, de facto partner or they are both the parents of the same child, a Domestic Violence Protection Order may be available. This order is commonly made for two years and can restrict contact with the parties involved. Essentially, there are seven types of abuse that can occur:

1. Verbal abuse (put downs, comments about incompetence)
2. Financial abuse (refusal to give money for basic necessities)
3. Social abuse (denying the right to earn money, prevention of socialising with other family members and friends)
4. Sexual abuse (forced sexual intercourse or sexual behaviour not wanted by the other person)
5. Physical abuse (punching, pushing, kicking, slapping, pulling hair)
6. Psychological abuse (destroying their self confidence, enforcing a feeling of insanity or uselessness in another person)
7. Damage to property (punching a hole in the wall, damaging the car)

When safe emergency accommodation is needed for a woman and, where applicable, her children, contact:

DVConnect Womensline ☎ 1800 811 811 (24 hour/7 days a week)
www.dvconnect.org

DVConnect Mensline ☎ 1800 600 636
National DV line ☎ 1800 737 732

Women's Legal Service

8 Ponsonby St, Annerley
Free legal and social work services
Helpline ☎ 1800 957 957
www.wlsq.org.au

Brisbane Domestic Violence Service

☎ 3217 2544
www.bdvs.org.au
Email (non-urgent): bdvs@micahprojects.org.au
DV service: 9am - 5pm Monday to Friday
(Closed Thursday 2pm-5pm)

White Ribbon

www.whiteribbon.org.au
☎ 1300 967 298

Relationships Australia

159 St Pauls Terrace, Spring Hill
☎ 1300 364 277
www.raq.org.au

TENANCY LAW

A "tenancy" usually exists where a person (the tenant) pays money to another (the Landlord) for the right to occupy the landlord's premises for some definite period of time (a term). This right to occupy the premises is more than just a contract; it is a right to the land.

The Residential Tenancies and Rooming Accommodation Act 2008 defines the rights and responsibilities of tenants, their lessors and agents in a wide variety of situations. Many issues and disputes that may arise relate to these rights and responsibilities set out in the Act.

Under the tenancy agreement, tenants are required to occupy the premises quietly and not create excessive noise.

If the tenant is at least 14 days in overdue rent payments, the Commission can give 14 days notice to quit and a warrant can be issued to possess the land if the tenant is still on the premises.

If the landlord, without having ended the tenancy, enters and tries to evict either peacefully or forcibly, she or he may be liable to a criminal prosecution as well as civil proceedings.

Make sure you have all dealings with the landlord or agent in writing. Always keep your rent receipts as proof of payment.

Fact sheets from the Residential Tenancies Authority & Tenants Queensland are available from ISS.

Always contact the ISS Accommodation Officer for any tenancy matters or visit our website at

<https://qutvirtual4.qut.edu.au/group/student/student-life/accommodation-and-living-in-brisbane>

Tenants Queensland

87, Wickham Terrace, Level 1, Spring Hill, QLD, 4000
☎ 1300 744 263
Email: mail@tenantsqld.org.au
Web: www.tenantsqld.org.au

ALCOHOL & DRUG USE

Illegal drugs, classified as narcotics, include such drugs as heroin, cocaine, angel dust, cannabis, hashish, amphetamines (speed, uppers) and tranquillisers. The Drugs Misuse Act sets out that it is illegal to possess, supply, traffic in or cultivate the illegal drugs stated above plus others. Under the Customs Act, there are four principal offences that are related to illegal drugs:

- possession of narcotics on board a ship or aircraft
- importing or exporting or attempts to import/export
- possession or attempted possession of illegally imported drugs; and
- possession or attempted possession of drugs suspected of having been illegally imported

Police have the power to:

- search without a warrant if there is reasonable belief that there are drugs present
- search a person (by an officer of the same sex) without a warrant if there is reasonable belief that there are drugs present
- use tracking devices if they reasonably suspect that a vehicle contains drugs
- A police officer that reasonably suspects that a drug offence has been committed may require a person to supply his/her name and address and date and place of birth.

If convicted of supplying dangerous drugs, the maximum penalty is 25 years imprisonment if it is supplied by an adult (a person 17 years or over in criminal law) to:

- a minor (a person less than 18 years in general law)
- a person with an intellectual disability
- someone within an educational institution or jail; or
- a person who does not know he or she is being supplied with a dangerous drug

Alcohol & Drug Information Service (ADIS)

Free Call ☎ 1800 177 833

Queensland Health

- Alcohol, Tobacco and other drugs
www.health.qld.gov.au/public-health/topics/atod