



LAW FOR YOU



A short guide to
the law for new
migrants living in
South Australia

ENGLISH



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Law For You – a short guide to the law for new migrants living in South Australia

This is a basic guide to the law for new migrants living in South Australia. It is intended to help non-English speakers learn key laws and find out about services available to assist people with legal problems. If someone has a legal problem it is important to get legal advice as soon as possible.

This guide was developed by the Legal Services Commission to support legal education for new migrants. It may also be used by people who need to understand basic legal concepts and where to get help.

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Some content and images for this resource have been adapted from '*What's the law? Australian law in my new country*' produced by Australian legal aid commissions.

Disclaimer: The law changes frequently and information in this publication may not be current. The information in this publication is a general guide only. It is not legal advice. We encourage people to get individual advice about their legal problems.

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Law in Australia

- Everyone must follow the law.
- If you break the law, you may have to pay money or go to court.
- Free information about the law is available to everyone.
- You can get free legal help from the **Legal Services Commission**.

For More Information

Translating and Interpreting Service (TIS)

131 450

Legal Services Commission

1300 366 424

www.lsc.sa.gov.au



Driving

- You must have a valid licence to drive in South Australia. If you are new to South Australia ask **Service SA** if your licence is valid.
- You must not drive a car that is not registered or leave it parked on the road.
- Everyone must wear a seatbelt, including children. Children need special car seats and belts. The type of car seat or belt you need to use depends on the size and age of the child. For more information contact **Kidsafe SA**.
- You must learn and obey all driving laws. Punishment for breaking these rules can include fines, prison, and loss of licence.

For More Information

Translating and Interpreting Service (TIS)

131 450

Legal Services Commission

1300 366 424

www.lsc.sa.gov.au

Service SA

13 10 84

Kidsafe SA

8161 6318

www.kidsafesa.com.au/road-safety



Buying a Used Car

Buying from a car yard:

- Have a mechanic or the **RAA** check the car.
- A car dealer must make sure the car is not stolen or under finance.

Buying privately from the owner:

- Have a mechanic or the **RAA** check the car.
- Sometimes a bank can take a car if it is under finance. This can happen even after you buy the car and register it in your name. To check if the car is still under finance telephone the **Personal Property Securities Register (PPSR)** on 1300 007 777. You will need the 'Vehicle Identification Number' (VIN) which is found on the registration papers and on the engine. A PPSR search costs \$4 and you can only pay with a credit card.
- Make sure the car has not been stolen. The PPSR can also check this for you.

For More Information

Translating and Interpreting Service (TIS)

131 450

Personal Property Securities Register

1300 007 777

www.ppsr.gov.au

RAA

131 111



Car Accidents

- If there is a car accident every driver must stop and help if anyone is injured.
- Drivers must exchange their details: name, address and insurance company.
- Make a report to the police if anyone is injured or the total cost of repairs to all cars is more than \$3000.
- 'Third party compulsory insurance' is included when you pay your car registration. This pays compensation to someone who is injured in a car accident. It does not pay for repairs to cars.
- There are other types of insurance you can get to repair cars:
 - 'Third party property insurance' pays for damage to the other person's car if the accident was your fault.
 - 'Comprehensive insurance' pays for damage to both your car and the other person's car.

For More Information

Translating and Interpreting Service (TIS)

131 450

Legal Services Commission

1300 366 424

www.lsc.sa.gov.au

Police

Phone 000 in an emergency or 131444 for police attendance if not an emergency.



Buying Goods & Services

- You have rights if something you buy is broken, unsafe, does not work or looks different to how it should. You can have it fixed, or get a new one or get your money back. This can happen even after the warranty has finished.
- Always keep a receipt.
- Before you sign a contract ask someone to help you understand what it means. This is very important for long contracts such as for mobile telephones.
- A 'Do Not Knock Sticker' at your front door can stop people coming to your home to sell you things.

For More Information

Translating and Interpreting Service (TIS)

131 450

Legal Services Commission

1300 366 424

www.lsc.sa.gov.au

Consumer Credit Law Centre SA

8342 1800

1300 886 220 (country callers)



Police

- Police protect the community and make sure people follow the law. Police must also follow the law.
- When investigating a crime the Police may question anyone.
- You do not have to answer any questions that Police ask you other than to give your name, address and date of birth.
- If you are driving a motor vehicle you must also show Police your licence if they ask for it.
- You have the right to get legal advice before you answer other questions from Police.
- If English is not your preferred language you have the right to ask for an interpreter whenever you talk with Police.

For More Information

Translating and Interpreting Service (TIS)

131 450

Police

Phone 000 in an emergency or 131444 for police attendance if not an emergency.

Legal Services Commission

1300 366 424

www.lsc.sa.gov.au



Family Violence

- In Australia there are laws to protect people from family violence.
- Family violence can take many forms including physical, sexual, psychological, verbal, emotional and economic abuse.
- No one should have to live in fear of family violence. It is a serious crime for the police and the courts.
- The police and the courts can make an order telling a family member to stop future family violence. This is called an 'Intervention Order'.
- If a family member does not stop the violence they will be in trouble with the law.
- There are special free services that can help people who do not feel safe at home. These include women's shelters, counselling services and legal advice.

For More Information

Translating and Interpreting Service (TIS)

131 450

Police

Phone 000 in an emergency or 131444 for police attendance if not an emergency.

Legal Services Commission

1300 366 424

www.lsc.sa.gov.au

Women's Legal Service

8221 5553

Domestic Violence Gateway Helpline

1800 800 098



Renting

- Landlords must maintain the property in reasonable condition.
- Tenants must tell the Landlord if any property is damaged.
- Landlords pay for repairs unless the tenant caused the damage.
- Tenants must pay rent and keep the property clean, tidy and in good order.
- Get receipts to prove you have paid rent.
- Tenants must not make excessive noise or disturb their neighbours.
- You cannot be evicted without an Order from a court or tribunal.

For More Information

Translating and Interpreting Service (TIS)

131 450

Tenants Information & Advocacy Service (TIAS)

8305 9459

Legal Services Commission

1300 366 424

www.lsc.sa.gov.au



Marriage

- In Australia marriage is between two people each aged 18 years or older.
- In special circumstances young people aged 16 or 17 can marry if a court gives permission. It is rare for a Court to give this permission.
- The law does not allow someone under 18 years old to be taken overseas to be married.
- In Australia there is no law that requires people to be legally married to live together.
- Being married to someone does not give a husband or wife the right to have sex. If a person does not willingly agree to sex, this is called rape, even between husband and wife.

For More Information

Translating and Interpreting Service (TIS)

131 450

Legal Services Commission

1300 366 424

www.lsc.sa.gov.au



Separation and Divorce

- Anyone who does not want to stay married can get a divorce. Husbands can divorce wives and wives can divorce husbands. It does not matter who was at fault.
- Divorce is the official, legal end of a marriage. You must apply to a court to get a divorce.
- Before you can apply for a divorce you must first stop living as a couple for at least 12 months.
- It is possible to be separated while living in the same house as long as you no longer share the usual activities of marriage such as sleeping together, eating meals together, sharing bank accounts or going out together with your children.
- There are family laws about the care of children and the division of property after separation. These laws can apply regardless of whether you are legally married or not.
- If you are considering separation or have separated, you should seek legal advice. A lawyer can help you understand your legal rights and responsibilities, and explain how the law applies to you.
- Separation or divorce may affect your immigration status. You should get legal advice about this.

For More Information

Translating and Interpreting Service

131 450

Legal Services Commission

1300 366 424

www.lsc.sa.gov.au

Family Law Courts

1300 352 000



Children and Separation

- Mothers and fathers are both responsible for their children. This does not change even if parents separate.
- Children have a right to see both parents as long as they are safe.
- Most separated parents find ways to continue to share the care of their children.
- Some separated parents cannot agree about arrangements for their children. A family lawyer can give legal advice and help parents reach an agreement.
- In serious cases, a family court can decide what should happen with the children.
- Family mediation is where parents meet with the help of an independent mediator to discuss arrangements for children, without going to court.
- One parent may be asked to pay 'child support' to the other parent to help them look after the children.

For More Information

Translating and Interpreting Service (TIS)

131 450

Legal Services Commission

1300 366 424

www.lsc.sa.gov.au



Caring for Children

- Parents must care for children and protect them from harm.
- Parents have the right to teach children how to behave. Parents must not hurt children through discipline.
- **Families SA** may act to protect children from parents who do not care for their children or hurt them.
- There are free services that can help parents with advice, child care and family counselling.
- Professionals who work with children must make a report to **Families SA** if they think a child may be harmed.

For More Information

Translating and Interpreting Service (TIS)

131 450

Parent Helpline

1300 364 100

Police

Phone 000 in an emergency or 131444 for police attendance if not an emergency.

Legal Services Commission

1300 366 424

www.lsc.sa.gov.au

Families SA

Child Abuse Report Line 13 14 78

Crisis Care (after hours) 131 16 11



Government Decisions

- Decisions by government officials have to be made according to rules.
- You have the right to get legal advice and ask questions about government decisions that affect you.
- Sometimes, you can ask for these decisions to be changed.
- You can also complain to **Ombudsman SA** or the **Commonwealth Ombudsman** if you believe a government decision is wrong.

For More Information

Translating and Interpreting Service (TIS)

131 450

Legal Services Commission

1300 366 424

www.lsc.sa.gov.au

Commonwealth Ombudsman

1300 362 072

Ombudsman SA

8226 8699

1800 182 150 (country callers)

Welfare Rights Centre (SA)

8223 1338

1800 246 287 (country callers)



Work

- There are many laws that protect your rights at work including:
 - how much you get paid
 - compensation if you are injured at work
 - fair treatment at work
 - being safe at work
 - records about your pay, tax and superannuation.
- If you are a member of a union they can give you advice and help protect your rights at work.

For More Information

Translating and Interpreting Service (TIS)

131 450

Fair Work Ombudsman (pay and work rights)

13 13 94

www.fairwork.gov.au/languages

Legal Services Commission (general advice and referral)

1300 366 424

www.lsc.sa.gov.au

Working Women's Centre SA

1800 652 697



Fines

- Fines are a type of punishment where you have to pay money for breaking the law.
- If you cannot afford to pay your fine in full by the due date, talk to the **Fines Enforcement and Recovery Unit**.
- The **Fines Enforcement and Recovery Unit** can arrange payments based on your ability to pay.
- If you do not make an agreement with the **Fines Enforcement and Recovery Unit** it has the power to force you to pay your fines.
- Do not ignore your fine – if you cannot pay, ask for help.

For More Information

Translating and Interpreting Service (TIS)

131 450

Legal Services Commission

1300 366 424

www.lsc.sa.gov.au

Fines Enforcement and Recovery Unit

1800 659 538

Notes

