



LEGAL MILESTONES

WHAT YOUNG PEOPLE
NEED TO KNOW



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The Advocate for Children and Youth
in partnership with
Public Legal Information Association
of Newfoundland and Labrador.*

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- Department of Justice, NL
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- Human Rights Commission of NL
- Department of Education, NL
- Department of Natural Resources, NL
- Department of Health and Community Services, NL

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Disclaimer:

This booklet is intended to provide general information only and should not be considered an official source of law. Laws and policies regularly change. Information provided in this booklet is accurate as of the date printed.

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In Newfoundland and Labrador, a person is considered to be an adult when they reach 19 years of age. This is called the age of majority. Anyone under the age of majority is called a minor. The age of majority can be different from place to place.

Province/ Territory Age of Majority

Alberta	18
British Columbia	19
Manitoba	18
New Brunswick	19
Newfoundland and Labrador	19
Northwest Territories	19
Nova Scotia	19
Nunavut	19
Ontario	18
Prince Edward Island	18
Quebec	18
Saskatchewan	18
Yukon	19

In Newfoundland and Labrador, once you reach the age of 19, the law generally recognizes that you have the right to manage your life as an adult. This does not mean that anyone under 19 years of age does not have rights! People under the age of 19 have rights and responsibilities too. This booklet lists some of the most important and interesting age-based laws, regulations and policies for youth living in Newfoundland and Labrador.



Human Rights

The Newfoundland and Labrador Human Rights Act, 2010 helps protect people from discrimination.

What is discrimination?

Discrimination has likely occurred when a person or a group has been singled out, disadvantaged or treated differently than others because of personal or group characteristics. These are called prohibitive grounds.

Prohibitive Grounds, under the Human Rights Act, are:

- Race
- Colour
- Nationality
- Ethnic Origin
- Religious creed
- Religion
- Age
- Disability
- Disfigurement
- Sex
- Sexual orientation
- Marital status
- Family status
- Source of income
- Political opinion





What are some examples of discrimination?

- Refusing to hire someone because of his or her sexual orientation (i.e. gay, lesbian, bisexual, or straight).
- Refusing a promotion to a qualified employee because the person is male or female.
- Refusing to serve a customer in a store because of his or her skin colour.
- Refusing to hire a youth, who is qualified for a part-time job, based on his or her age.

Not all circumstances where an individual is treated differently are seen as a violation of the Human Rights Act, 2010. Keep in mind, some laws in Newfoundland and Labrador are based on age for the safety and protection of the young person. For example, a person has to be 19 years old before they can legally drink, serve alcohol, or smoke cigarettes.

If you feel that you have been discriminated against, you can contact the Human Rights Commission of Newfoundland and Labrador.

**Human Rights Commission
P.O. Box 8700
St. John's, NL
A1B 4J6
Phone: 709-729-2709
Toll-Free: 1-800-563-5808
Fax: 709-729-0790
E-mail: humanrights@gov.nl.ca
Website: www.justice.gov.nl.ca/hrc/**

Criminal Offence

A crime is a deliberate or reckless act in violation of the law that may result in personal injury or damage to property. That law is meant to protect people and punish those who commit crimes. Specific information about crimes and their punishment can be found in the Criminal Code of Canada.

Committing a crime is a serious matter for a person of any age. A person who is found guilty of a crime may face different types of punishments (for example, paying a fine or spending time in jail). A person found guilty of a crime will normally receive a criminal or youth record. These records can limit employment opportunities and the ability to travel outside the province. The Youth Criminal Justice Act deals with crimes committed by youth.

What is the Youth Criminal Justice Act?

The Youth Criminal Justice Act applies to youth age 12 to 17 accused of a crime. The Youth Criminal Justice System provides special consideration for youth entering the criminal justice system.

Rights of a youth accused of a crime:

- Youth have the right to a lawyer.
- Youth have the right to have a parent or legal guardian present, along with their lawyer when questioned by the police.
- Youth have the right to have a parent or legal guardian accompany them to court, along with their lawyer. In some cases, the parent or guardian may be required to attend.

If I am found guilty will I serve my sentence with adults?

No. The Youth Criminal Justice Act states that a youth between the ages of 12-17 years must serve their sentence in a separate place from adults. (*Youth Criminal Justice Act, Canada*)

What are Extrajudicial Measures?

Extrajudicial measures are ways other than court proceedings which can be used to address the criminal activities of youth. Extrajudicial measures are used when youth are accused of committing less serious crimes. Extrajudicial measures cannot be used unless the youth takes responsibility for the alleged crime. A youth can choose not to accept the extrajudicial measures but go to court and have his or her case heard by a judge.

Examples of Extrajudicial Measures:

- Police warnings
- referral to community programs, or alternative measures program
(*Youth Criminal Justice Act, Canada*)

What is the Alternative Measures Program?

Extrajudicial Sanctions (Also known as “Alternative Measures”) is a program used to assist a youth who committed an offence that cannot be dealt with by a warning or a caution.

Some examples of alternative measures could be completion of a course as determined by the alternative measure program or doing some work for the victim. If a youth fails to comply with the terms and conditions of the program, the case may be heard through the court process.

What happens if a youth is 18 and commits a criminal offence?

If a person is 18 years of age or older at the time of the alleged offence they will be charged as an adult. (*Youth Criminal Justice Act, Canada*)

What happens if a youth commits a crime before they turn 18 but the police do not lay charges until after they turn 18?

A person 18 years of age and older can still be charged as a youth if they are alleged to have committed a crime between the age of 12 and 17.

Can a youth ever receive an adult sentence?

Yes. If the youth is found guilty of a very serious crime, the Crown Attorney can request an adult sentence. (*Youth Criminal Justice Act, Canada*)

Testifying in Court

Testifying in a courtroom can be a stressful and scary experience. There are laws which try to make it easier for youth if they have to testify as a witness.

Can a youth under 14 testify in court as a witness?

Yes. Witnesses under the age of 14 may testify in court if they are able to understand and answer the questions. A witness under 14 does not have to swear on a Holy book, but they will be required to tell the truth. (*Canada Evidence Act*)

Will a youth under 18 who has to testify in court receive special treatment?

The Criminal Code allows for special considerations, called testimonial aids, when witnesses are under 18 year of age.

Testimonial aids may include:

- Testifying behind a screen.
- Testifying outside of the courtroom using closed circuit television.
- Testifying with a support person.

Many of these supports are available through Victim Services, a program of the Newfoundland and Labrador Department of Justice.

Youth must tell the Crown Attorney or the judge they want a testimonial aid before they testify. *Criminal Code (Canada)*



Family Law

When can a youth leave home and be independent of their parent's?

A youth must be at least 16 years of age before they can withdraw from parental control. (*The Children's Law Act, NL*)

When can a youth agree to their own adoption?

If a youth is 12 or older, their consent is required for adoption. That consent can be taken away any time before the adoption is complete.

(*The Adoptions Act, NL*)



How old does a youth have to be to consent to their child's adoption?

Birth parent's can consent to the adoption of their child at any age. (*The Adoptions Act, NL*)

When can a youth be left home alone?

Children cannot be left alone without adequate supervision. (*Children and Youth Care and Protection Act, NL*) Please refer to your local Child, Youth and Family Services office for further details regarding this issue.

Note: Consideration must be given to factors such as maturity, special needs of the youth, duration of time alone, etc.

How long are my parent's required to provide financial support for me?

Generally a child is entitled to financial support from their parent's until they are 19 years of age. There are some exceptions to rule. for example, parent's may not have to support a child under 19 who is married.

There are times where support may continue for a person 19 or older. For example, the person has a disability, illness, or is attending a post-secondary education institution. (*The Family Law Act, NL*)

When will a judge listen to a young person about custody and access?

A court, where possible, will consider the views and wishes of a youth able to express his or her views. The judge will make the final decision about custody and access. (*The Children's Law Act, NL*)

When can youth change their name?

A youth must be 19 or older to apply to have his or her name changed. If a youth is ages 12-18 their parent or legal guardian's permission is needed.

Family
Security
paper hands
HAPPY



Relationships

Young people, sex and the law

The Criminal Code of Canada outlines appropriate and inappropriate sexual activity involving youth.

Canadian law states that the age of consent (permission) for sexual activity is 16, no younger.

There are some exceptions regarding sexual activity for youth who are close in age.

The Criminal Code states by law that adults cannot have sexual relations with people under the age of 16. Any adults in authority or positions of trust such as teachers, coaches, or employers cannot engage in sexual acts with any person for which they are responsible.

Sexual relationships are explained in detail in Part 5 of the Criminal Code of Canada.

<http://laws-lois.justice.gc.ca/eng/acts/C-46/page-69.html#docCont>

When can a youth get married?

A person must be over the age of 19 to get married without parental consent. If between the ages of 16-19, a person can get married with the permission of one of their parent's. It is not legal for a person under 16 to get married.

(The Solemnization of Marriage Act, Newfoundland and Labrador)



Health Care Decisions

Can a youth make their own Health Care Decisions?

If a youth is under 12 years old:

If a person is under 12 then his/her parent's or legal guardian's permission is required for any health care decisions. (*Health Care Decisions College of Physicians and Surgeons of NL-Guideline to Medical Treatment of Minors*)

If a youth is between 12-15 years old:

In most cases, a person must be 16 or older to make his or her own medical decisions. A doctor can decide on a case by case basis if a person under 16 has the understanding and maturity to make their own decisions. The doctor will look at each case separately and decide.

(*Advanced Health Care Directives: Act s.7, Newfoundland and Labrador*)
(*Health Care Decisions: College of Physicians and Surgeons of NL-Guideline to Medical Treatment of Minors*)

If a youth is 16 years old or older:

In most cases, a person who is 16 is mature enough to make their own health care decisions. If there is reason to believe they are not mature enough to understand the risks and outcomes of medical decisions, he or she may not be allowed to make the decision.

(*Advanced Health Care Directives: Act s.7, Newfoundland and Labrador*)
(*Health Care Decisions: College of Physicians and Surgeons of NL-Guideline to Medical Treatment of Minors*)

Young people have the right to an education and there are laws that will help protect this right.



Education

When can a youth legally stop going to school?

All young people, under 17 years old, must attend school according to the law. A person is required to attend school the September of the calendar year of their sixth birthday. Students are required to complete the school year when they turn 16.

School suspensions, expulsions and home-schooling are exceptions to this law. Parent's or legal guardians are responsible for making sure their children are enrolled and attend school. If a family moves within the province, any children of the family between the ages of 6 and 17 must be enrolled in a new school within one week (*Schools Act, NL*)

When can a youth join the reserves or military college?

A youth must be 16 or older to join the reserves or military college. If a youth is under the age of 19 he or she will need their parent's permission.



Hunting and Firearms

When can a youth hunt small game or migratory game birds with firearms?

In order to hunt small game or migratory game birds with firearms in Newfoundland and Labrador, a person must be 16 or older. They must also comply with federal firearms regulations. Under these rules, hunters between 16 and 18 years old may only hunt small game or migratory game birds with firearms. In this province, young hunters must be under immediate and direct supervision of a person who can lawfully possess firearms (i.e. has a valid “Possession Only License” or “Possession and Acquisition License.”) Youth between 16 and 18 may apply for a Minor’s License.

For more information about federal firearms regulations, licenses, permits and firearms registration, please contact the RCMP Canadian Firearms Program at 1-800-731-4000 or through their website:

<http://www.rcmp-grc.gc.ca/cfppcaf/index-eng.htm>.

When can a youth hunt small game and animals by trapping and/or snaring?

A Person under the age of 16 may purchase a license to hunt small game and furbearers by snaring and/or trapping only. (*Hunting and Trapping Guide 2010-2011, Newfoundland and Labrador*)

When can a youth hunt big game?

To hunt big game a person must be 18 by August 31st in the year the license is valid. He or she must also comply with federal firearms regulations.



Life Style

When can a youth legally drink Alcohol?

A person must be 19 or older to legally buy or drink alcohol.
(*Liquor Control Act, Newfoundland and Labrador*)

When can a youth legally smoke cigarettes?

A person must be 19 or older to legally buy or smoke cigarettes.
(*Tobacco Control Act, Newfoundland and Labrador*)

What about Illegal Drugs?

The use of illegal drugs is not legal at any age. If a person is caught by the police with illegal drugs in their possession, they may face criminal charges. Marijuana, cocaine, and prescription drugs that do not belong to the person carrying them are examples of illegal drugs.



When can a youth donate blood?

A person has to be at least 17 to donate blood.

When can a youth play Video Lottery Machines (VLTs)?

A person has to be 19 or older to play Video Lottery Terminals (VLTs). (*The Lotteries Act, Video Lotteries Regulations, Newfoundland and Labrador*)

When can a youth legally buy Lottery Tickets?

A person has to be at least 19 years old to buy lottery tickets such as Lotto 649. Tickets on prizes sold by a registered charity or non-profit organization may be available to a person of any age. (*Atlantic Lottery Corporation Policy*)

When can a youth get a tattoo or piercing?

The Personal Services Act regulates services such as tattooing and body piercing in Newfoundland and Labrador. Businesses that provide personal services must follow certain rules. For example, any



person under age 16 must have their parent's consent to have a tattoo or body piercing. Tattoo and body piercing can be provided to persons over the age of 16 without a parent's consent. Other services, such as tanning, cannot be provided to young person under the age of 19. For further information, please refer to *The Personal Services Act*.

Transportation

When Can I...

Drive a passenger vehicle (car) or motorcycle?

A person can apply for a learner's permit when they are 16 years of age. If a person is under 19 when applying, they will need the permission of a parent or legal guardian. Newfoundland and Labrador has a graduated driver licensing program. This is a step by step licensing process where new driver restrictions decrease at the graduation of each level. The program applies to all new drivers, no matter what their age.

Drive an All-Terrain Vehicle (ATV) or Dirt bike?

A person must be at least 16 years old to operate an adult sized ATV (over 90cc) or a dirt bike. A person age 14 or 15 can operate an ATV up to and including 90cc, if accompanied and supervised (being in voice and visual distance) of a person who is at least 19 years old. A person under 14 years old is not permitted to operate an ATV of any size. ATV, or dirt bike drivers, who are 16 to 18 do not need to be supervised by a person 19 or older; however the driver must have proper insurance. All ATVs and dirt bikes must be registered with Motor Registration Division. Helmets must be worn when operating an ATV or dirt bike.

(Motorized Snowmobiles & ATVs Act, Newfoundland and Labrador)

Drive a snowmobile?

Young people under the age of 13 cannot operate a snowmobile unless accompanied by a person who is 19 or older who has the proper insurance. If a person is 13, 14, or 15, they can operate a snowmobile if accompanied by a person 16 or older with the proper insurance. Drivers who are 16 to 18 do not need to be accompanied by an older person; however, they must have insurance. All snowmobiles must be registered with Motor Registration Division.

(Motorized Snowmobiles & ATVs Act, Newfoundland and Labrador)

Learn to fly a plane?

A person can learn to fly a plane at 14 years of age. A student pilot permit is required. (*Canadian Aviation Regulations*)

To fly a plane recreationally in Canada, a person must be 16 or older and have a recreational pilot's license. (*Canadian Aviation Regulations*)

To fly outside of Canada, a person must be over the age of 17 and have a private pilot's license. (*Canadian Aviation Regulations*)

A person must be at least 18 and have a commercial pilot's license. (*Canadian Aviation Regulations*)

Fly a hot Air Balloon?

A person needs to be 17 or older and have a valid balloon pilot license. (*Canadian Aviation Regulations*)



Employment

Employment is a great way for youth to develop new skills and earn money. Youth are protected by special laws if they choose to work.

Are there any special labour standards laws for youth?

In addition to other requirements, the Labour Standards Act, places some restrictions on the employment of children under the age of 16. Under the Labor Standards Act, an employer is not allowed to employ a child who is under the age of 14. The employer is also not allowed to employ a child who is under 16 in employment that is or is likely to be unwholesome or harmful to the child's health or normal development, or if it is going to hamper the child's attendance at school or capacity to benefit from instruction given at school.

Additionally, an employer shall not employ a child under 16 to work:

- For more than eight hours a day.
- For more than three hours on a school day.
- On the day for a period, that when added to the time required for attendance at school on that day, totals more than eight hours.
- Between 10 PM of one day and 7 AM of the following day.
- In circumstances that would prevent the child from obtaining a rest period of at least 12 consecutive hours a day.
- In occupations that are hazardous.
- An employer shall not employ the child while a strike by employees or a lockout of employees by the employer is in progress.

In addition, before employing a person under the age of 16, an employer must get the written consent of the parent or guardian. This consent must be kept as part of the record of employment and the child's age must be specified in the written consent.

(Labour Standards Act, Newfoundland and Labrador)

Can a youth work around Alcohol if they are under 19?

A person under 19 cannot work directly around alcohol. A youth can only work where they are not directly handling or serving alcoholic drinks.

When can a youth begin to babysit?

Babysitting is a very important responsibility. There is no law in place which states the minimum age when a person is allowed to babysit. If a parent or guardian is hiring a babysitter, they need to consider the babysitter's age, maturity level, experience babysitting, training, length of time they will be babysitting (a few hours, an evening, overnight) along with the age and number of children who need to be looked after. As well, a babysitter under 17 is not allowed to babysit during school hours.

When can a youth work in a mine?

A person has to be over 18 to work underground in a mine.
(Mines Safety of Workers Regulations, Newfoundland and Labrador)

When can a youth work with mining machinery?

A person has to be 20 or older to operate machinery, or give orders to run machinery, for hoisting, lifting or hauling in a mine. A person must also be 20 or older to handle explosives or be in charge of blasting holes.

(Mines Safety of Workers Regulations, Newfoundland and Labrador)

When can a youth work as a radiation worker?

A person must be over 18 to be employed as a radiation worker (x-ray worker). Special training is required to work as a Radiation Technologist.
(Radiation Health and Safety Regulations, Newfoundland and Labrador)

When can a youth join the military?

A youth must be over the age of 17 to join the Canadian Armed Forces. If a youth is under the age of 19, he or she will need a parent's permission.

Politics

When can a youth vote in an election?

A Canadian citizen who is 18 or older on the day of the election can legally vote. (*Canada Elections Act*)

When can a youth run in an election?

A Canadian citizen who is at least 18 can apply to run in an election as a candidate. (*Canada Elections Act*)



Money and Economics

When will a youth start paying Employment Insurance?

Employment insurance is paid by a person as soon as they start working. The employer will normally take this amount out of an employee's paycheck.

Employment insurance is a way to help people financially who have lost their job for reasons beyond their control.

When can a youth receive the Goods and Services Tax (GST) Rebate?

This rebate is given to Canadians with low or moderate income to help refund part of the GST/HST they pay when purchasing goods or services. A person must be 19 or older in order to receive the rebate. If a person is currently 18 and will turn 19 before April 1st of the following year, he or she should apply as soon as possible to ensure the first refund is received on time. To apply, an income tax return must be filed, even if the person has no income.

When does a youth have to file an Income Tax return?

At any age, a person may be required to file a tax return when they earn an income. The Canada Revenue Agency (CRA) allows persons to earn up to a certain amount without paying income tax. If a person has a job, a private business, or any other form of income, they should check with the CRA to see if they are required to pay taxes. A person may want to file an income tax return when they are 18, even without earning an income, in order to receive a GST rebate.

When can I make a will?

A person must be at least 17 to make a legal will.
(*Wills Act, Newfoundland and Labrador*)

For More Information

General:

- Advocate for Children and Youth
<http://www.childandyouthadvocate.nf.ca/>
- Human Rights Act 2010
<http://www.assembly.nl.ca/Legislation/sr/statutes/h13-1.htm>
- Public Legal Information Association of Newfoundland and Labrador <http://www.publiclegalinfo.com/>

Criminal Offence

- Youth Court, Newfoundland and Labrador
<http://www.court.nl.ca/provincial/youth/default.htm>
- Youth Criminal Justice Act, Newfoundland and Labrador
<http://laws.justice.gc.ca/en/Y-1.5/index.html>
- Children and Youth Care and Protection Act, Newfoundland and Labrador
<http://assembly.nl.ca/Legislation/sr/statutes/c12-1.htm>
- Criminal Code of Canada
<http://laws.justice.gc.ca/en/c-46/>
- Canada Evidence Act
<http://laws.justice.gc.ca/en/c-5/>



Testifying in Court

- Canada Evidence Act
<http://laws.justice.gc.ca/en/c-5/>
- Victim Services
<http://www.victimserviceshelp.ca/>

Money

- GST/HST Rebate information
http://www.servicecanada.gc.ca/eng/goc/gst_credit.shtml
- Newfoundland and Labrador Wills Act
<http://www.assembly.nl.ca/Legislation/sr/statutes/w10.htm>

Health Care

- Advanced Health Care Directive Act, Newfoundland and Labrador
<http://www.assembly.nl.ca/legislation/sr/statutes/a04-1.htm>

Employment

- Newfoundland and Labrador Labour Standards Act
<http://www.assembly.nl.ca/legislation/sr/statutes/l02.htm>
- Newfoundland and Labrador Schools Act
<http://www.canlii.org/en/nl/laws/stat/snl-1997-c-s-12.2/latest/snl-1997-c-s-12.2.html>
- Newfoundland and Labrador Liquor Control Act
<http://www.canlii.org/en/nl/laws/stat/rsnl-1990-c-l-18/latest/rsnl-1990-c-l-18.html>



Education

- Newfoundland and Labrador Schools Act
<http://www.canlii.org/en/nl/laws/stat/snl-1997-c-s-12.2/latest/snl-1997-c-s-12.2.html>

When Can I?

- Motorized Snowmobiles and ATV Act, Newfoundland and Labrador
<http://www.assembly.nl.ca/legislation/sr/annualregs/2005/nr050059.htm>
- Canadian Aviation Regulations Act
<http://www.tc.gc.ca/eng/civilaviation/regserv/cars/menu.htm>



Relationships

- Criminal Code of Canada
<http://laws.justice.gc.ca/en/c-46/>
- The Solemnization of Marriage Act Newfoundland and Labrador
<http://www.canlii.org/en/nl/laws/stat/rsnl-1990-c-s-19/latest/rsnl-1990-c-s-19.html>

Politics

- Canada Elections Act
<http://laws.justice.gc.ca/en/E-2.01/index.html>

Hunting and Firearms

- Hunting and trapping Guide 2010-2011 Newfoundland
<http://www.env.gov.nl.ca/env/wildlife/hunting/hunttrap.pdf>



Family Law

- Children and Youth Care and Protection Act, Newfoundland and Labrador
<http://assembly.nl.ca/Legislation/sr/statutes/c12-1.htm>
- The Children's Law Act, Newfoundland and Labrador
<http://www.assembly.nl.ca/Legislation/sr/statutes/c13.htm>
- The Adoptions Act, Newfoundland and Labrador
<http://www.assembly.nl.ca/Legislation/sr/statutes/a02-1.htm>
- The Family Law Act, Newfoundland and Labrador
<http://www.assembly.nl.ca/Legislation/sr/statutes/f02.htm>



Lifestyle

- Newfoundland and Labrador Change of Name Act
<http://www.assembly.nl.ca/legislation/sr/annualstatutes/2009/c08-1.c09.htm>
- Newfoundland and Labrador Tobacco Control Act
<http://www.assembly.nl.ca/Legislation/sr/statutes/t04-1.htm>
- The Lotteries Act, Newfoundland and Labrador
<http://www.assembly.nl.ca/legislation/sr/annualstatutes/1991/9153.chp.htm>





Contact the Advocate
for Children & Youth
if you or someone you know
is in need of help:

193 LeMarchant Road
St. John's, NL A1C 2H5
8:30 am - 4:30 pm

Phone: (709) 753-3888
Toll Free: 1-877-753-3888

TTY: (709) 753-4366

Fax: (709) 753-3988

Email: office@ocya.nl.ca

Website: www.childandyouthadvocate.nl.ca

Public Legal Information Association of NL

Suite 227, 31 Peet Street, Tara Place
St. John's, NL A1B 3W8

Phone: (709) 722-2643

Toll-free: 1-888-660-7788

Email: info@publiclegalinfo.com