

Youth Law: Being Charged

This factsheet explains some basic information on your rights and obligations if you are charged. If you are a young person with a matter concerning the police, please call the **Youth Law Centre ACT** on **6173 5410** or **1300 654 314**.

The Youth Law Centre (YLC) is Legal Aid ACT's dedicated service for young people under the age of 25. It is a free and confidential legal service.

You have rights when dealing with the police, and there are laws that say how police can use their powers. If you think you have been treated unfairly by the police, and you are under 25, you can contact us at 1300 654 314.

What does 'being charged' mean?

If the police formally say that you've committed a crime, they will 'charge' you with the crime. When you are charged, police will give you paperwork that tells you what crimes (also called 'offences') that you are charged with.

Police will also give you a document called the 'Statement of Facts'. Even though the document is called this, that doesn't mean it says what actually happened. Instead, it is a summary of what police say is what happened, based on the evidence they have at the time. Often, the Statement of Facts is very different to what the evidence actually shows at a hearing. Despite this, the Statement of Facts is an important document because it tells you what the specific allegations against you are.

If you are charged with an offence, you may be given a 'summons' which tells you the day and time that you will need to come to court. If your crime is serious, you might need to apply for bail. See our factsheet on bail for more information.

When can I be charged with a crime?

You cannot be charged with a criminal offence until you are 10 years old. Children under 10 are not seen as mature enough to commit criminal offences. If you are between 10 and 14 years you may be responsible for criminal offences.

Any young person aged 10 to 14 who gets in trouble with the police should get legal advice. As of 1 July 2025, people under 14 years old in the ACT will not be able to be charged with crimes, except for very serious offences, such as murder.

Will I have to go to Court?

If you are charged with a crime, you will have to go to Court. The Childrens Court deals with crimes committed by young people. If you were under 18 years old when the crime was committed, you will go to the Childrens Court. Anyone older than 18 when the crime was committed will go to the Magistrates Court.

What happens on the first day at court?

When you first go to court, the magistrate will want to know whether you are pleading *guilty* or *not guilty* to the offences you have been charged with. Pleading guilty means you agree that you are responsible for the offences. Pleading not guilty means that you don't agree you are responsible for the offences.

You should never plead guilty or not guilty without speaking to a lawyer first.

If you have not spoken to a lawyer before your first day in court, the magistrate will let you 'adjourn' (delay) your case so you can do so. Legal Aid also have 'duty lawyers' at both the Children and Magistrate Courts that you can speak to for free.

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What will happen with the charges?

Criminal charges do not go away by themselves. Unfortunately, criminal proceedings can take a long time, and it can often take months. However, being found guilty of criminal charges can have serious consequences and it is important to be thorough in responding to charges. You should be represented by a lawyer and listen to their advice.

If you can't afford a lawyer, Legal Aid can help. **Every person under 18 years old in the ACT is eligible for a free criminal lawyer.** Most people under 25 years old will be eligible as well.

Will I get a criminal record?

You can only get a criminal record if you are convicted of a crime. 'Convicted' can mean two things, depending on the context. It can mean:

- That you have been found guilty of a crime; or
- That the court has formally recorded a conviction on your criminal history.

You can only be found guilty of a crime if you formally plead guilty (make sure you have spoken with a lawyer before you do this) or if you are found guilty after a criminal hearing. You can only be found guilty at a hearing if the prosecution has proved that you are guilty *beyond a reasonable doubt*.

If you are found guilty, it is then up to the Court to decide whether or not to record a conviction.

The Court will consider the seriousness of the offence, your age and maturity, your health, and other factors when it decides whether to record a conviction against you.

What is the effect of having a conviction recorded?

Having a conviction recorded can have a big impact on your life. Generally, it will make it harder for you to travel overseas, get some jobs, apply for rent or stay at a refuge, and can affect any future court appearances.

If you have been found guilty of a crime, but the court does not record a conviction, it might still come up. For example, any future court will be able to see it. It could also come up for certain jobs, such as applying to be a lawyer or police officer.

Do I need a lawyer?

Although you are entitled to represent yourself for your charges, you probably shouldn't. Criminal law is very complex and can have serious consequences, including going to jail.

If you are charged with a crime, call us.

Useful Contacts

Legal Aid ACT

Monday to Thursday: 8:30am to 7:00pm
Friday: 8:30am to 5:00pm
www.legalaidact.org.au
Phone: **1300 654 314**

Youth Law Centre

Monday to Friday: 8:30am to 5:00pm
ylc@legalaidact.org.au
Phone: **(02) 6173 5410**

Kids Helpline

www.kidshelpline.com.au
Phone: **1800 55 1800**