

## Legal Aid ACT Criminal Practice

We offer free legal advice to people in the ACT and provide ongoing assistance and representation to people who cannot afford a private lawyer.

The Criminal Practice of Legal Aid ACT provides:

- Duty lawyer services at the Magistrates Court and Children's Court of the ACT
- Ongoing assistance and representation may be available for people who are eligible for a grant of legal assistance. If you have already been charged, it is **strongly** recommended you apply for legal assistance, otherwise our ability to help you will be limited. It can take up to two weeks to process an application for legal assistance, so please complete and submit your application as soon as possible.

### Legal Aid ACT

[www.legalaidact.org.au](http://www.legalaidact.org.au)

Phone: **1300 654 314**

For more information on applying for a grant of legal assistance visit our website or call our free Helpline on 1300 654 314.

### Duty Assistance

If you do not have legal representation for your first court appearance in a criminal matter, a Legal Aid duty lawyer may be available to provide you with limited **one-off** assistance. This may include giving you advice before your court appearance or representing you in court to ask for an adjournment. If you would like ongoing legal help, you should apply for a grant of legal assistance.

The Legal Aid duty service is free of charge and is provided at the Magistrates Court from 9/9.30am to about 11/11.30am each day.

To get free help from our criminal duty lawyer, attend the Legal Aid Criminal Law Duty Office from 9am on the day of your court hearing. The duty office is located on level 1 of the ACT Magistrates Court, outside Court Room 1.

If you are having trouble finding the duty office, the Magistrates Court has a concierge at the entrance next to security who can help you.

A criminal law paralegal from Legal Aid ACT will be at the duty office from 9am until 11am. The paralegal will speak briefly with you to assess the seriousness and urgency of your matter. The paralegal will only be able to organise a duty lawyer to help you if the lawyer has capacity to do so. The duty lawyer must prioritise urgent matters.

For this reason, we strongly recommend that you contact our Helpline on 1300 654 314 and apply for a grant of legal assistance as soon as you know that you have been charged and before your court date.

### Childrens Court

If you are under the age of 18 you should apply for a grant of legal assistance. **There is no income test for Childrens Court matters.** Any person under 18 in the ACT is eligible for free legal representation.

If you do not have a lawyer by your court date, tell the help-desk at the Childrens Court. They will arrange for one of our duty lawyers to come and speak to you. There is a dedicated duty solicitor the Childrens Court every Monday.

## Legal Aid ACT Criminal Practice

If you need help completing a Legal Aid application form for a grant of ongoing legal assistance, please contact our free Helpline on 1300 654 314.

### Youth Law Centre

Free legal service for young people aged 12-25

[www.legalaidact.org.au](http://www.legalaidact.org.au)

Phone: 1300 654 314

Email: [ylc@legalaidact.org.au](mailto:ylc@legalaidact.org.au)

### Ongoing Legal Assistance

If you successfully apply for a grant of legal assistance, you will be appointed a lawyer. The lawyer will talk to you about the police Statement of Facts and give you advice on what your options are. The lawyer will guide you through the process. If you have successfully applied for a grant of legal assistance, your criminal lawyer can provide representation in court on a wide range of matters, including:

- Bail applications and variations
- Defended Hearings/Sentencing hearings
- Serious criminal offences, whether in the Magistrates Court or the Supreme Court
- Appeals, if there are reasonable prospects of success.

### Further Advice

If you are going to Court for a criminal matter, it is important that you contact Legal Aid ACT or your lawyer as soon as possible. Please bring all relevant documents to the appointment with your lawyer.

These documents include charge sheets, statement of facts provided by the police and any other documents relevant to your case. If you don't have these documents, your lawyer can request them for you.

### Some Legal Terms

#### Adjournment

"Adjourning" your court date means delaying it to another day. If you are given an adjournment, you will get a new court date and need to come back then.

#### Criminal Case

A case where the police have arrested and laid charges against a person, or where a person is summoned to appear in Court to answer an allegation that they have committed an offence.

#### Charge

This will be decided by the police or the DPP, and tells you the specific offence(s) you have been accused of.

#### DPP

The DPP means "the Director of Public Prosecutions". The DPP's role is to prosecute people accused of offences. The DPP is separate from, but work with, police.

#### Mention

A "mention" is any time your matter comes to court where it is not finalized and there is nothing substantive that will happen.

#### Hearing

A hearing occurs if you plead not guilty to your charges. At a hearing, the DPP will call evidence to prove the charges, and the magistrate will decide whether or not you are guilty.

#### Remanded in custody

The court may order that the accused person be kept in custody before their court appearance. This is known as remanded in custody.

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### Bail

If the Court decides that the accused person does not need to be held in custody the Court will grant bail. Bail is an agreement between the Court and the accused person that they will come to Court on the next occasion. Bail is not automatic.

### Get Free Help

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Phone: 1300 654 314

**Criminal Law duty office:** Next to Court room 1, level 2 of the ACT Magistrates Court.

#### Legal Aid Lawyer in Colleges

Free on campus legal service for young people attending ACT public colleges.

Your college lawyer will have an office at your school, you can drop-in without an appointment.

Phone: (02) 6243 3431

Email: [college@legalaidact.org.au](mailto:college@legalaidact.org.au)

