



**Hobart Community
Legal Service Inc.**

COURT FOR YOUNG PEOPLE

The Youth Division of the Magistrates Court will hear matters relating to people who were aged between 10 and 17 years at the time of the offence. Different to other Courts, the 'Youth Court' seeks to divert young people from the court system and has a broader range of sentencing options available for a young person if they are found guilty of committing an offence.

If you are to appear before the Youth Division of the Magistrates Court the following contains some useful tips to prepare.

PREPARING FOR COURT

Speak with a lawyer as soon as possible - don't wait until the week before your hearing. The lawyer will listen to your side of the story and help you to prepare your case. The lawyer can help you decide whether you should plead 'guilty' or 'not guilty'. You should never plead guilty if some of the things that the Police say about you or the offence you are charged with are not correct.

Attend the Magistrates Court to see how a hearing takes place. Most courts are open to the public to attend and observe. Sit quietly at the back (remember to turn your phone off) and watch how things happen. Being a little familiar with the process will prepare you for your hearing and you may feel a bit more relaxed about being inside a courtroom. Note that the Youth Court is not open to the public - this means that no-one from the general public will be able to observe your hearing on the day you go to court.

ON THE DAY

Arrive to the court early. You can bring with you parents, guardians, members of your family or another responsible adult (such as a youth worker) to support you. If you have not seen a lawyer you can ask whether there is a 'duty lawyer' available. The duty lawyer may be able to give you some last minute assistance.

Check the "court lists" in the foyer for your name and the number of the court and the time you are to go. If you need some help ask someone working at the court to help you find this information. You can go into the court and sit quietly, or wait outside the door of the courtroom so you can hear when your name is called. If you have a lawyer follow their directions.

When your name is called go into the court, or if you are in the courtroom, stand up. You will be directed as to where you should stand and will be asked to confirm your name. If you need to speak to the Magistrate call him or her "Your Honour".

If you have a lawyer with you, they will be able to do most of the talking on your behalf. Your lawyer will follow your instructions on whether you want to plead guilty or not guilty. If you have not been able to see a lawyer, you can ask the Magistrate for an adjournment. If this is granted you will be given an new court date and time to see a lawyer and prepare.

WHAT MIGHT HAPPEN AS A RESULT OF GOING TO COURT

The court may determine that you are not guilty of the charge. In this situation, you will no longer be required to do anything in relation to the charge and no record of the offence will be made against you. If there are two or more charges against you these will be dealt with separately. You may be found not guilty for one charge but guilty for another.

If the court determines that you are guilty of a charge the court may do any of the following:

- Dismiss the charge against you;
- Require you to undertake a period of good behaviour;
- Give you a fine;
- Put you on probation, which means you will need to undertake some supervision;
- Ask you to do certain things, such as attending school, going to a counsellor, or not being out after a certain time of night;
- Order that you do some community service;
- Give you a suspended sentence - which means that if you commit a secondary offence within a certain timeframe you may serve some time in detention for the first offence;
- Order that you spend time in a youth detention centre;
- Require you to attend a community conference (see factsheet “Alternatives to Court for Young People” for more information on community conferences);

Sometimes a Pre-Sentence Report will be required before a sentence is given to you. A Pre-Sentence Report is meant to be a fair comment about you as a person to help the court decide on a fair and effective sentence. You will be given a copy of the report and you should speak with a lawyer if you do not agree or understand any part of it.

If you are found guilty of the offence and you still do not agree with the charge you should seek advice from a lawyer.

FAQs

What if I don't attend court at the proper time? If you do not attend court at the proper time without letting the court know you may be arrested.

What if I'm now older than 17 years when the matter gets to court? You will be treated as though you are still under 18 unless you are over 19 and you are sentenced to detention in which case your detention may be served in a prison rather than a youth detention centre.

What if the Police took my mobile phone when they charged me? Police have the right to seize your mobile phone for the purpose of carrying out their investigation and it will only be returned to you when they no longer require it for the investigation. Speak to a lawyer if you are concerned about how to get your mobile phone back.

Notes:

Last updated June 2018.

This factsheet is intended to give general information about the law in Tasmania. While every effort has been made to ensure accuracy at the time of writing, the law is complex and constantly changing. Moreover, legal exactness is not always possible in a publication of this nature. The factsheet should not be used as a substitute for legal advice.

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