

# Young People and the Youth Justice Court

YOU CAN TALK TO A  
LAWYER FOR FREE AT  
TASMANIA LEGAL AID

To get free legal information call **1300 366 611** or use the Legal Talk chat from the bottom right-hand corner of our website. Legal Talk and our phone lines are available Monday to Friday, 9am to 5pm.

**A lawyer can help by:**

- **Advising you about your situation**
- **Speaking to the Court on your behalf**
- **Explaining the Court process to you.**

## ? When do I have to go to Court?

The police will generally advise you if you must go to Court by giving you a document called a summons.

If you lose your summons you should contact the Police or Magistrates Court as soon as possible to find out your Court date.

It is a criminal offence if you do not attend Court when required and you may receive a further penalty for failing to appear or be arrested to ensure you attend.

## ? What should I do before I go to Court?

You should always speak to a lawyer as soon as possible when you are told you will need to go to Court. Lawyers are trained to help you with the Court system and can give you confidential advice, with or without your parents or guardians present, about your options.



## ? What happens when I attend Court?

As a young person you will generally attend Youth Justice Court rather than the Magistrates Court. The Youth Justice Court is usually held in the same buildings as other Courts, but your matter will be heard inside a private courtroom that is not open to the public so other people will not be able to watch.

When you get to Court go and speak to the Court security about which room you will be in as your name will not be on any of the written lists.

You will generally need to wait for the Court to be ready to deal with your matter so you will need to wait in the waiting room in front of the Court until your name is called. This can take some time depending on how busy the Court is.

When you first appear in front of a Magistrate you have three options:

- You can plead not guilty (which means you disagree with what they say you did)
- You can plead guilty (which means you agree with what they say you did)
- You can seek an adjournment (which means you need more time to think about the matter before you tell the Court if you are guilty or not).

## ? What do I do when my name is called?

When your name is called, go into the courtroom or if you are already there, stand up. The court clerk will tell you where to stand. If you need to talk to the Magistrate call him or her "Your Honour". You will be asked if you are the person named in the complaint or charge.

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## ? What if I haven't seen a lawyer?

If you have not been to Court about the matter before, you can ask that the case be adjourned (that is, postponed to a later date) without entering a plea while you get advice from a lawyer. Your matter may be adjourned to a new date a couple of weeks later to give you time to speak to a lawyer. When you return to Court on the new date, or if you decide not to seek an adjournment, the charge will probably be read out and you will be asked if you want to plead guilty or not guilty.

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## ? What happens if I plead 'guilty'?

If you plead guilty the Magistrate will ask the Police Prosecutor to read out his or her version of the facts relating to your involvement in the offence. If you disagree with anything that is said, tell the Magistrate as your case may then be adjourned for what is called a Disputed Facts Hearing. If you accept what the Police Prosecutor has said you will be shown a copy of any prior convictions. If any details are incorrect, tell the Magistrate. You will then be given an opportunity to read out your Plea in Mitigation.

After the Prosecutor has read their version of events and you or your lawyer have told the Magistrate about your circumstances you will receive a penalty for the offence.

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## ? What is a Plea in Mitigation?

A "Plea in Mitigation" is your opportunity to tell the Court your side of the story and to explain your circumstances. Some of the things you may wish to tell the Court about are:

- How the offence occurred
- Why it will not happen again
- Your current circumstances (if you are working, studying, have any financial commitments or plans that may be affected by the matter, etc)

Remember that a Magistrate will decide what punishment you get and so the more they know about you the more likely you are to receive a punishment that fits the offence.

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## ? What happens if I plead 'not guilty'?

When you plead 'not guilty' it is usual for the matter to be rescheduled to another day. This gives you the chance to prepare for the hearing.

At the hearing the Prosecution may have witnesses. The Prosecutor will ask each witness questions. You can then ask each witness questions. This is called cross-examination and will be done by your lawyer if you have one. When all the Prosecution's witnesses have spoken you may then give evidence and have your own witnesses. The Police Prosecutor may also cross-examine you and your witnesses.

The Magistrate will then consider all the details of the case. For you to be found guilty the Prosecution must prove its case. If you are found guilty, you or your lawyer can make a Plea in Mitigation before the Magistrate sentences you. If you are found not guilty you may then leave Court without any penalty.

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## ? What penalties can I get at Court?

The Court aims to discourage people from committing offences and penalties are given so you do not do the same thing again.

The Magistrate has several different options about what punishment they give you and they have the power to decide which of the punishments are suitable given all the circumstances.

Some of their options are:

- Dismiss the charge and reprimand you
  - Dismiss the charge and ask you to promise related to good behaviour
  - Release you and adjourn the matter on some conditions
  - Fine you
  - Order you complete some community service
  - Make a [probation order](#)
  - Make a detention order (sent to Ashley or another youth detention centre)
  - Defer sentencing until another date.
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