

Legal Aid ACT



OUR CRIMINAL PRACTICE

Our aim

Legal Aid ACT aims to improve people's access to the justice system through education and legal advice and assistance. We offer free legal advice to people in the ACT and provide ongoing assistance and representation to people who cannot afford a private lawyer.

For more information about getting a grant of assistance for legal representation, or to find out about our other services please contact us on (02) 6243 3411.

Criminal practice

The Criminal Practice of Legal Aid ACT provides:

- duty lawyer services at the Magistrates Court and Childrens Court of the ACT;
- free advice appointments;
- ongoing assistance and representation may be available for people who are eligible for a grant.

Childrens Court

Anyone under the age of 18 who is to appear before the Childrens Court is entitled to apply for legal assistance. A means test is applied, and this may take into account the means of any other person who could reasonably be expected to help pay the costs of legal assistance.

Duty lawyer services

If you have not organised legal representation for your first court appearance in a criminal matter a duty lawyer is available during court sittings to give information and advice. In some cases the duty lawyer may provide limited representation in court, including a plea of guilty if appropriate. This service is free of charge and is provided at the Magistrates Court and Childrens Court of the ACT.

Serious criminal offences

Most charges can be dealt with in the Magistrates Court but some serious offences must be dealt with in the Supreme Court. Legal assistance is available in higher courts in relation to serious criminal matters. Legal Aid ACT may request the services of a private barrister who would be instructed by a Legal Aid ACT lawyer.



Appeals

Legal Aid ACT may provide legal assistance to appeal against decisions of the Magistrates and Supreme Courts and will take into consideration the nature of the case, the prospects of success, and the benefit that may be gained.

Supreme Court bail applications

In cases where the Magistrate has refused bail, Legal Aid ACT may provide assistance to represent people in custody who wish to apply to the Supreme Court for bail.

Legal terms

Criminal Case - A case where the police have arrested and laid charges against a person, or where a person is summonsed to appear in Court to answer an allegation that they have broken the law.

Remand - In some cases the court may change the date of a court appearance to a later date. If this happens, the court may order that the accused person be kept in custody, also known as remand.

Summons - Summons is a command to appear at Court. The penalty for not complying with a summons is that your matter will be dealt with in your absence.

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 and it is up to the court to decide what happens. Bail is not always granted.

Further advice

You can make a free half-hour appointment at Legal Aid ACT, or can briefly see the Duty Lawyer before a court appearance. The Duty Lawyer is located in the Magistrates Court from 9am for a limited time.

If you are going to Court on 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 the lawyer.

These documents include charge sheets, statements of fact provided by the police and any other documents relevant to your case. If you are charged with a criminal offence you are entitled to be given details of the allegations against you.



