Criminal Law: Being Charged with a Crime

This factsheet explains:

- What does 'being charged' mean?
- When can I be charged with a crime?
- What happens on the first day at court?
- You should never plead guilty or not guilty without speaking to a lawyer first.
- What will happen with the charges?
- Will I get a criminal record?
- What is the effect of having a conviction recorded?
- Do I need a lawyer?

This factsheet gives general legal information. It is not legal advice. Last updated on 18 September 2026.

What does 'being charged' mean?

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

Police may also give you a document called the 'Statement of Facts'. This document is a summary of what the police say is what happened, based on the evidence and information they have access to at the time.

Sometimes 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.

You can talk to a lawyer for free through Legal Aid ACT. Contact 1300 654 314 to make an appointment to talk to a lawyer.

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When can I be charged with a crime?

You cannot be charged with a criminal offence until you are 14 years old. However, there is an exception for certain serious offences.

Will I have to go to Court?

If you are charged with a crime, you may have to go to Court.

If you were under 18 years old when the crime was committed, you will go to the ACT Children's Court.

If you were over 18 when the crime was committed, you will go to the ACT Magistrate's Court.

What happens on the first day at court?

When you first go to court, the magistrate may read the charge out to you so that you are 'charged' with the crime. You do not need to enter a plea of guilty or not guilty on your first day in court. However, you may have to enter a plea at some point in court, before you do this you should speak to a lawyer.

Pleading Guilty

Pleading guilty can mean you agree that you are responsible for the offences and may also mean you accept what is said in the Statement of Facts.

If you want to plead guilty but you do not agree with some part of the Statement of Facts (for instance, if you agree that you were driving will your licence was disqualified, but you do not agree that you were swerving the car while driving), you can ask the prosecution to remove that part of the facts. You should speak to a lawyer about this before you do it.

Pleading Not Guilty

Pleading not guilty can mean that you do not agree you are responsible for the offences, or that you want to see the evidence that the prosecution has of the crime (this may be CCTV footage, police statements, witness statements, or other material).

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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 may let you 'adjourn' (delay) your case so you can speak to a lawyer.

Legal Aid ACT has 'duty lawyers' at both the Children and Magistrate Courts that you can speak to for free, our duty offices are located inside the courthouse.

If you are not in court, you can talk to a lawyer for free through Legal Aid ACT. Contact 1300 654 314.

What will happen with the charges?

Criminal charges do not go away by themselves. Unfortunately, criminal proceedings can take a long time.

However, being found guilty of criminal charges can have serious consequences and it is important to show up to court when you are required to and speak to a lawyer about your charges if you can.

You should be represented by a lawyer and listen to their advice.

Will I get a criminal record?

If you are convicted of a crime it will appear on your criminal record for a period of time, depending on the penalty you are given. In most circumstances, conviction will become 'spent' after a period of times.

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 reasonable doubt*.

If you are found guilty, it is then up to the Court to decide whether to record a conviction.

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

What is the effect of having a conviction recorded?

Having a conviction recorded can have a big impact on your life. Generally, it can 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.

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If you have been found guilty of a crime, but the court does not record a conviction, it might still come up. For example, it can come up in your criminal history. 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 should not. Criminal law is very complex and can have serious consequences, including going to jail.

If you are charged with a crime, call us at 1300 654 314.

Helpful contacts

Criminal Law Duty Service

- ACT Magistrate's Court, Level 1, outside Court Room 1
- 9am-12pm Monday to Friday
- Get legal help at Court | Legal Aid ACT

Legal Aid ACT

- Phone: 1300 654 314 (Monday to Thursdays, 8.30am to 7pm, Fridays 8.30am to 5pm)
- Website: www.legalaidact.org.au

The Law

Court Procedures Act 2004 (ACT)
Court Procedures Act 2004 | HTML view

Crimes Act 1900 (ACT)
Crimes Act 1900 | HTML view

Criminal Code 2002 (ACT)
Criminal Code 2002 | HTML view

Other useful factsheets by Legal Aid ACT

- *Dealing with Police*
- *Police Searches*

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- *Protest Rights*
- *Drink driving offences*
- *Drug driving offences*
- *First time in court?*
- *Requesting an adjournment*
- *Bail*
- *Character references*

These factsheets are on our website: www.legalaidact.org.au/what-we-do/information-education