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MORTGAGES & FINANCE

Juvenile Offences

There are a number of NSW Acts of Parliament which provide specifically for children. The most important are the *Children (Care & Protection) Act 1987*, which allows a court to make orders with respect to the care and welfare of children and the *Children (Criminal Proceedings) Act 1987*, which contains the powers and procedures of the Children's Court and other courts where necessary to deal with children's criminal offences.

Generally, persons under the age of 18 are brought before the Children's Court in respect of the same offences with which people are brought before the Local Court. With some exceptions, the Local Court or District Court cannot hear and determine criminal proceedings which the Children's Court has jurisdiction to hear.

The *Children (Criminal Proceedings) Act* gives the Children's Court the power to hear and determine all but the most serious criminal offences. The Children's Court is empowered to conduct committal proceedings in respect of the most serious offences such as murder, whereafter the person would be committed to the Supreme Court, which is the only court with jurisdiction to hear such matters, for either trial or sentence.

Except in the case of serious indictable offences or some drug offences, or except in circumstances where it is believed the person is unlikely to comply with the summons, or is likely to commit further offences, criminal proceedings should be commenced against a child by summons or court attendance notice. That is, the young person should ordinarily not be subjected to arrest and charged at a police station.

Children's Court proceedings are generally closed which means that the general public is not entitled to be in court when proceedings are in progress. A young person may have a member of the immediate family with them in court during the proceedings. The court has open to it similar penalties as those which are available for adult offences dealt with in Local Courts.