

## Legal Advice

Young people who are alleged to have committed an offence are entitled to be informed of their right to obtain legal advice and to have the opportunity to obtain that advice.

### Legal Aid Hotline for Under 18s

1800 10 18 10

Monday to Thursday  
9am – Midnight

Fridays, Saturdays, Sundays  
and Public Holidays  
– 24 hours.

### Aboriginal Legal Services

(02) 9621 1653 (Blacktown)  
(02) 4474 2400 (Moruya)  
(02) 4422 3255 (Nowra)  
(02) 9318 2122 (Redfern)  
(02) 4225 7977 (Wollongong)

### Albury Wodonga Community Legal Service

(02) 6056 8210

### Central Coast Community Legal Centre, Wyong

(02) 4353 4988

### Elizabeth Evatt Community Legal Centre, Katoomba

(02) 4782 4155

### Far West Community Legal Centre, Broken Hill

(08) 8088 2020  
or 1800 300 036

### Hawkesbury-Nepean Community Legal Centre, Richmond

(02) 4588 5618

### Hunter Community Legal Centre, Newcastle

(02) 4926 3220 or  
1800 650 073 (rural callers)

### Illawarra Legal Centre, Warrawong

(02) 4276 2535

### Inner City Legal Centre, Darlinghurst

(02) 9332 1966

### Kingsford Legal Centre,

(02) 9385 9572

### Macarthur Legal Centre, Campbelltown

(02) 4628 2042

### Marrickville Legal Centre,

(02) 9559 2899

### Mt Druitt Area Community Legal Centre, Rooty Hill

(02) 9675 2110

### National Children's and Youth Law Centre

(02) 9385 9588

### North and North West Community Legal Service, Armidale

(02) 6772 8100  
or 1800 687 687

### Northern Rivers Community Legal Centre, Lismore

(02) 6621 1000  
or 1800 689 889

### Shopfront Youth Legal Centre, Darlinghurst

(02) 9360 1847  
or 0418 407 290

### Western NSW Community Legal Centre, Dubbo

(02) 6884 9422  
or 1800 655 927

LET'S WORK IN PARTNERSHIP TO  
keep our mob out of custody

Cautioning  
ABORIGINAL YOUNG PEOPLE

THE YOUNG  
OFFENDERS  
ACT 1997

(CONSULT  
THE ACT FOR  
FURTHER  
DETAILS)



NSW Police Force  
www.police.nsw.gov.au

With your help, a safer community.

# Cautioning

## The Young Offenders Act 1997

The Young Offenders Act in relation to cautioning young people **MUST** be considered for every young person aged between 10 and 18 years when they commit an offence.

When a young person is arrested and taken into custody they are entitled to obtain legal advice/representation and have a legal guardian or support person present during an interview. After obtaining legal advice and talking to a legal guardian or support person the young person can proceed in the way of a Caution if the Investigating Officer thinks it is appropriate and if the young person admits to and consents to the Caution.

## Offences covered under the Act

Include Summary matters or indictable matters such as:

- damaging property
- stealing
- malicious damage
- assault
- summary drug offences (involving less than a small quantity of drug).

## What is considered when the Investigating Officer gives a caution

- Seriousness of the offence;
- Degree of violence involved in the offence;
- Harm caused to the victims;
- Number and nature of the offence;
- A young person can commit numerous offences on the same occasion and receive a caution covering all the offences;
- A young person is not entitled to have a caution if he/she has already received three prior cautions;
- Any other matter the Investigating Officer thinks is appropriate in the circumstances.

## How does a young person receive a Caution

A written notice will be given to the young person containing relevant information that the young person needs to know.

The information will contain:

- The offence for which the caution is given;
- People who may be present at the caution, and may include a person responsible for the child, an adult present with the consent of a person responsible for the young person or a legal practitioner chosen by the young person;
- Time, date and place of caution;
- Name of Police Officer who will be giving the caution;
- Consequences if the young person fails to attend;
- The rights of the young person to obtain legal advice.

## Persons who may give a Caution

A caution can be given by Police Youth Liaison Officer or a respected member of the Aboriginal community who has been trained to give a Caution.

## What is involved in a Caution

Cautions can take up an hour and may involve a written apology to the victim. A caution will generally involve the following steps:

- Introductions
- Explanation of the reason for the caution
- Exploration of the offence – what happened; why; impact of offence on young person, family or support person, victim and community; and consequences of future offending;
- Cautions for drug matters might include discussion of health, social and legal implications of illicit drug use and the provision of written information.
- Identify how to avoid future offending and acknowledge that a formal police record exists for the matter.