

# Category A and B Serious Youth Offences Committed by Children and Young People



## **Acknowledgement of Country**

The Sentencing Advisory Council acknowledges the Traditional Owners of the lands and waters on which we live and work, and we pay our respects to them, their culture and their Elders past and present.

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# Contents

Introduction **1**

Which crimes are category A or category B serious youth offences? **2**

The intended effects of category A offence classification **5**

The intended effects of category B classification **6**

The expected effects of introducing category A and B offence classification **7**

How many category A and B serious youth offences were sentenced? **7**

Age of offenders at the time of a category A or B serious youth offence **9**

Gender of offenders who committed category A and B serious youth offences **10**

How were category A and B serious youth offences sentenced? **12**

How many offenders sentenced for category A and B serious youth offences had prior category A and B offences? **16**

Category A and B offences committed by children aged under 16 **18**

Conclusion **19**

Appendix: Publicly available judgments involving category A and B serious youth offences (to 30 June 2024) **22**

References **26**



## Introduction

In February 2018, legislation came into effect classifying certain crimes as either ‘category A serious youth offences’ or ‘category B serious youth offences’.<sup>1</sup> The intent of that legislation was to increase the number of children and young people, who commit serious crimes while aged 16 or older, that are sentenced in adult courts (rather than the Children’s Court) and that receive sentences of adult imprisonment (rather than detention in a youth justice centre).<sup>2</sup> In late 2025, additional legislation passed both houses of parliament to further increase the likelihood of category A and B serious youth offences being sentenced in the adult courts and being sentenced to imprisonment.<sup>3</sup> The new legislation does this by expanding the range of offences that will be uplifted,<sup>4</sup> expanding the age of offenders to which category A and B classification applies (14 or over, rather than 16 or over)<sup>5</sup> and changing the default presumption of uplift to mandatory uplift for most offences.<sup>6</sup>

This report presents the first publicly available data on the prevalence of category A and B serious youth offences in Victoria since the 2018 reforms commenced, through to 30 June 2024. Using data provided to the Sentencing Advisory Council by Victorian courts, the report examines the jurisdictions in which category A and B offences were sentenced and the sentences imposed.

**Reference period:**  
26 February 2018  
to 30 June 2024  
(almost 6.5 years)

**Jurisdictions:**  
Children’s Court,  
County Court,  
Supreme Court

**Inclusions:**  
All sentenced  
category A and B  
serious youth  
offences committed  
by children and  
young people  
aged 16 to 20

1. *Children and Justice Legislation Amendment (Youth Justice Reform) Act 2017* (Vic). For an overview of the legislation, see Sentencing Advisory Council, *Changes to Sentencing Law: An Overview of 2018* (2018) 5–6.
2. Victoria, *Parliamentary Debates*, Legislative Assembly, 25 May 2017, 1502–1503 (Martin Pakula, Attorney-General).
3. *Justice Legislation Amendment (Community Safety) Act 2025* (Vic).
4. The five new ‘designated offences’ in section 516 of the *Children, Youth and Families Act 2005* (Vic) are intentionally causing serious injury in circumstances of gross violence, recklessly causing serious injury in circumstances of gross violence, aggravated carjacking, aggravated home invasion and home invasion: *Justice Legislation Amendment (Community Safety) Act 2025* (Vic) s 16(3). Of these, two – home invasion and recklessly causing serious injury in circumstances of gross violence – were category B serious youth offences that usually remained in the Children’s Court but will now be subject to mandatory or presumptive uplift. Further, carjacking is now subject to presumptive uplift to the adult jurisdiction if committed by children aged 14 or over: *Justice Legislation Amendment (Community Safety) Act 2025* (Vic) s 14(6).
5. *Justice Legislation Amendment (Community Safety) Act 2025* (Vic) ss 14(1), 14(2)(a), 16(1), 16(3).
6. In particular, the mandatory uplift now applies to the five ‘designated offences’: see above n 4.

The findings of this report will provide an important baseline against which to examine the effect of the 2025 reforms in the years to come.

Courts and practitioners will also likely benefit from the list (in the Appendix) of publicly available judgments in cases involving category A and B serious youth offences; judgments are sorted by the offence type, the offender's age at the time of the offence and the sentence type imposed. Having these judgments readily accessible will assist courts and practitioners to more easily identify comparable cases.

## Which crimes are category A or category B serious youth offences?

From 2018 to 2025, there were 15 crimes classified as category A (10 offences) or category B (5 offences) serious youth offences.<sup>7</sup> These classifications applied if the offence was committed on or after 26 February 2018 (adult imprisonment) or on or after 5 April 2018 (uplift). For the uplift provisions to apply, the child must have been aged 16 or 17 at the time of the offence.<sup>8</sup> And for the sentencing provisions to apply, the child or young person must have been aged under 21 at the time of sentencing (and the provisions only applied in the higher courts).<sup>9</sup> Table 1 (page 3) lists all offences classified as category A or category B serious youth offences, the maximum penalty for the offence and other sentencing schemes that applied during the reference period.

### What are the age boundaries for category A and B offence classification?

Unlike some offence classifications in Victoria that apply based on the offender's age,<sup>10</sup> category A and B offence classification applies irrespective of the offender's age, including in the *Sentencing Act 1991* (Vic), which pertains to the adult jurisdiction. In theory, a murder committed by a 50-year-old would constitute a category A serious youth offence, because the definition of category A serious youth offence has no age boundary.<sup>11</sup> In that instance, however, category A and B offence classification would have no practical effect.

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7. See the definitions of 'category A serious youth offence' and 'category B serious youth offence' in *Sentencing Act 1991* (Vic) s 3, *Children, Youth and Families Act 2005* (Vic) s 3 and *Youth Justice Act 2024* (Vic) s 3. The offence of homicide by firearm was introduced in 2020, and various terrorism offences were added in 2018.

8. *Children, Youth and Families Act 2005* (Vic) ss 356(6), (8).

9. *Sentencing Act 1991* (Vic) s 3 (definition of *young offender*).

10. For example, an offence will only be a category 1 offence if committed by someone aged 18 or over: *Sentencing Act 1991* (Vic) s 3 (definition of *category 1 offence*).

11. *Sentencing Act 1991* (Vic) s 3 (definition of *category A serious youth offence*).

**Table 1:** Category A and B serious youth offences

<b>Offence</b>	<b>Maximum penalty<sup>a</sup></b>	<b>Other sentencing schemes</b>
<b>Category A serious youth offences</b>		
<b>Murder</b> Common law	Life imprisonment	Category 1 offence Standard sentence offence Serious offender offence
<b>Attempted murder</b> Common law	25 years' imprisonment	Serious offender offence
<b>Manslaughter</b> Common law	25 years' imprisonment	Category 2 offence Serious offender offence
<b>Child homicide</b> <i>Crimes Act 1958 (Vic) s 5A</i>	25 years' imprisonment	Category 2 offence Serious offender offence
<b>Homicide by firearm</b> <i>Crimes Act 1958 (Vic) s 5B</i>	25 years' imprisonment	Category 2 offence Serious offender offence
<b>Arson causing death</b> <i>Crimes Act 1958 (Vic) s 197A</i>	25 years' imprisonment	Category 2 offence Serious offender offence
<b>Culpable driving causing death</b> <i>Crimes Act 1958 (Vic) s 318</i>	20 years' imprisonment	Category 2 offence Standard sentence offence
<b>Intentionally causing serious injury in circumstances of gross violence</b> <i>Crimes Act 1958 (Vic) s 15A</i>	20 years' imprisonment	Category 1 offence Minimum non-parole period Serious offender offence
<b>Aggravated home invasion</b> <i>Crimes Act 1958 (Vic) s 77B</i>	25 years' imprisonment	Category 1 offence Minimum non-parole period
<b>Aggravated carjacking</b> <i>Crimes Act 1958 (Vic) s 79A</i>	25 years' imprisonment	Category 1 offence Minimum non-parole period
<b>Various terrorism offences</b>	Varies	Various
<b>Category B serious youth offences</b>		
<b>Recklessly causing serious injury in circumstances of gross violence</b> <i>Crimes Act 1958 (Vic) s 15B</i>	15 years' imprisonment	Category 1 offence Minimum non-parole period Serious offender offence
<b>Rape</b> <i>Crimes Act 1958 (Vic) s 38</i>	25 years' imprisonment	Category 1 offence Standard sentence offence Serious offender offence
<b>Rape by compelling sexual penetration</b> <i>Crimes Act 1958 (Vic) s 39</i>	25 years' imprisonment	Category 1 offence Serious offender offence (if committed against a child)
<b>Home invasion</b> <i>Crimes Act 1958 (Vic) s 77A</i>	25 years' imprisonment	Category 2 offence
<b>Carjacking</b> <i>Crimes Act 1958 (Vic) s 79</i>	15 years' imprisonment	Category 2 offence

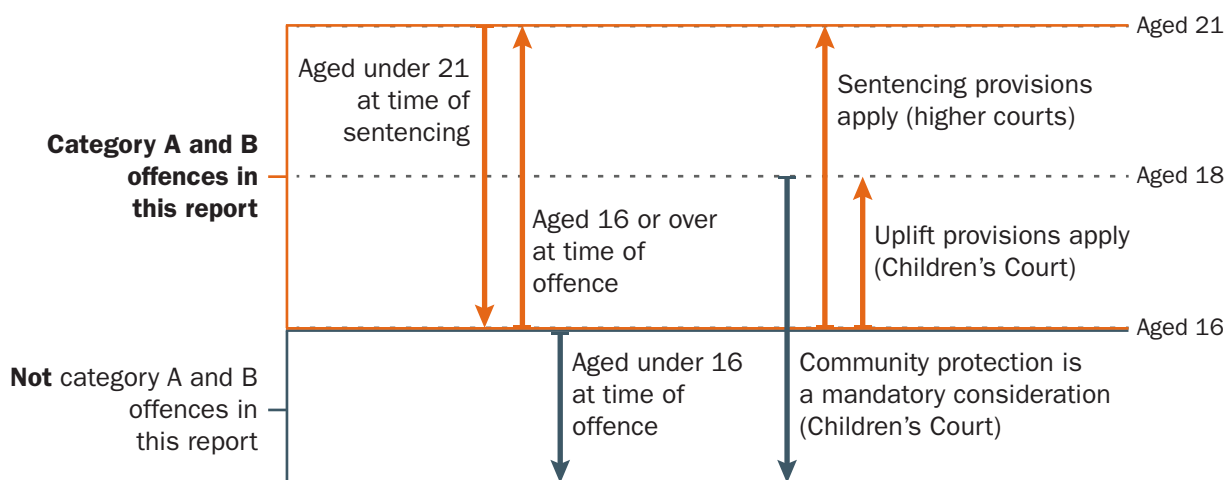
a The maximum penalty for manslaughter and for child homicide was previously 20 years' imprisonment, but the maximum penalty was increased to 25 years for both offences in 2020: *Crimes Amendment (Manslaughter and Related Offences) Act 2020 (Vic) ss 3–4.*

Instead, the relevant age boundaries were imposed in the provisions governing the consequences of category A and B offence classification. For example, section 356 of the *Children, Youth and Families Act 2005* (Vic) (as it was) specified that the Children’s Court should have, except in certain circumstances, uplifted category A offences to the higher courts if the offence was committed by a child aged 16 or over. That is, this uplift provision did not apply to offences committed by children aged under 16. Similarly, the proscriptions in section 32(2C) of the *Sentencing Act 1991* (Vic) only applied to the sentencing of ‘young offenders’, who are defined as anyone aged under 21 at the time of sentencing.<sup>12</sup> That is, this sentencing provision did not apply to offenders aged 21 or over at the time of sentencing.

As shown in Figure 1, an age boundary was not imposed in only one provision governing the consequences of category A or B offence classification: section 362(1)(g) of the *Children, Youth and Families Act 2005* (Vic) required the Children’s Court to consider the need to protect the community in sentencing a category A or category B serious youth offence, regardless of the child’s age at the time of the offence.<sup>13</sup>

A lower age boundary of 16 at offence date is applied for the purpose of this report, which is intended to examine the effects of the uplift and sentencing provisions relating to category A and B offence classification. The alternative – applying an ageless category A and B offence classification regardless of the practical effects – would be to classify a murder committed by a 50-year-old as a ‘serious youth offence’. While there was one provision that applied to category A and B offences

**Figure 1:** Age boundaries for category A and B offence classification in this report



12. *Sentencing Act 1991* (Vic) s 3 (definition of *young offender*).

13. Given that this provision only applied in the Children’s Court, that court’s jurisdiction imports an age boundary of offences committed by a child aged under 18 where criminal proceedings commenced before the offender was aged 19: *Children, Youth and Families Act 2005* (Vic) s 516.

committed by children aged under 16, the practical effects of that provision were likely very limited: even though that provision elevated community protection from discretionary to mandatory, courts would ordinarily have had regard to community protection in any event. Further, the reforms were intentionally aimed at ‘increas[ing] the consequences for young offenders aged 16 years or older’.<sup>14</sup>

Given the aim and functions of category A and B offence classification, this report is concerned only (unless otherwise specified) with category A and B serious youth offences committed by a child or young person **aged 16 or over at the time of the offence** and **aged under 21 at the time of sentencing**.

## The intended effects of category A offence classification

During the reference period in this report (prior to the 2025 reforms), category A offence classification had two primary intended effects on sentencing.<sup>15</sup> The first effect related to the jurisdiction in which cases involving category A offences could be heard. Previously, there would have been a default presumption that many of the offences would be heard summarily in the Children’s Court.<sup>16</sup> However, the 2018 reforms made it so that category A offences could only be heard in the Children’s Court if:

- the child or prosecution requested that the case be heard summarily<sup>17</sup> and
- the court believed that the sentencing options in the Children’s Court would be sufficient and
- one of the following applied:
  - it would be in the interests of any victims of the offence or
  - the accused was particularly vulnerable because of cognitive impairment or mental illness or
  - there was a substantial and compelling reason to hear the case summarily.<sup>18</sup>

14. Victoria, *Parliamentary Debates*, Legislative Assembly, 25 May 2017, 1502–1503 (Martin Pakula).

15. There were also certain consequences for youth parole: *Children, Youth and Families Act 2005* (Vic) s 458A(1)(b).

16. Prior to February 2018, the Children’s Court was required to hear all indictable offences (other than homicide offences) summarily unless there were ‘exceptional circumstances’: *Children, Youth and Families Act 2005* (Vic) s 356(3).

17. As specified in the Children’s Court *Practice Direction 2 of 2018*, the application for summary jurisdiction needed to include the prosecution summary of the alleged offending, any prior criminal history of the child, any other material to be relied upon, and an outline of submissions addressing the relevant considerations set out in legislation: Children’s Court of Victoria, *Practice Direction No. 2 of 2018: Procedure for Indictable Offences That May Be Heard and Determined Summarily* (2018) 2.

18. *Children, Youth and Families Act 2005* (Vic) s 356(6).

In deciding whether there was a substantial and compelling reason not to transfer the matter to an adult court, the Children’s Court was required to have regard to parliament’s intention that category A serious youth offences should not normally be dealt with in the Children’s Court.<sup>19</sup> Importantly, the uplift provisions for category A and B offence classification only applied if the offence was committed by a child aged 16 or 17 at the time of the offence. For young people aged 18 to 20 at the time of the offence, the matter had to be dealt with in the higher courts.

The second effect of category A offence classification was that if the matter was heard in an adult court, the court was required to impose a sentence of adult imprisonment (rather than a youth justice centre order) unless there were ‘exceptional circumstances’ that justified not doing so.<sup>20</sup>

## The intended effects of category B classification

As with category A offence classification, there were two primary intended effects of category B offence classification prior to the 2025 reforms, again related to presumptions around jurisdiction and adult imprisonment. For offenders aged 16 or 17 at the time of the offence, category B offences retained a default presumption of being heard in the Children’s Court, unless the court considered the offending ‘unsuitable by reason of exceptional circumstances to be determined summarily’.<sup>21</sup> For young people aged 18 to 20 at the time of the offence, the matter would have been required to be dealt with in the higher courts. Further, if an adult court sentenced a young offender for a category B serious youth offence and that young offender had *previously* been sentenced for a category A or B serious youth offence, the court was required to impose a sentence of adult imprisonment (rather than a youth justice centre order) unless there were ‘exceptional circumstances’ that justified not doing so.<sup>22</sup>

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19. *Children, Youth and Families Act 2005* (Vic) s 356(7).

20. *Sentencing Act 1991* (Vic) s 32(2C). This is in part because most category A offences are also category 1 or category 2 offences, which mandate, or create a strong default presumption of, imprisonment: *Sentencing Act 1991* (Vic) ss 5(2G), (2H).

21. *Children, Youth and Families Act 2005* (Vic) ss 356(3), (8).

22. *Sentencing Act 1991* (Vic) s 32(2D).

## The expected effects of introducing category A and B offence classification

In summary, for category A offences, the 2018 reforms would have been expected to increase the number of children (aged 16 or 17 at the time of the offence) having matters heard in the adult courts, and increase the number of children and young people (aged 16 to 20 at the time of sentencing) receiving imprisonment rather than a youth justice centre order. For category B offences, the classification would not have been expected to have had as significant an effect as category A classification, due to the presumption of summary jurisdiction for category B offences (offenders aged 16 or 17 at the time of the offence) and the precondition of a relevant prior offence before the presumption of adult imprisonment applied.

## How many category A and B serious youth offences were sentenced?

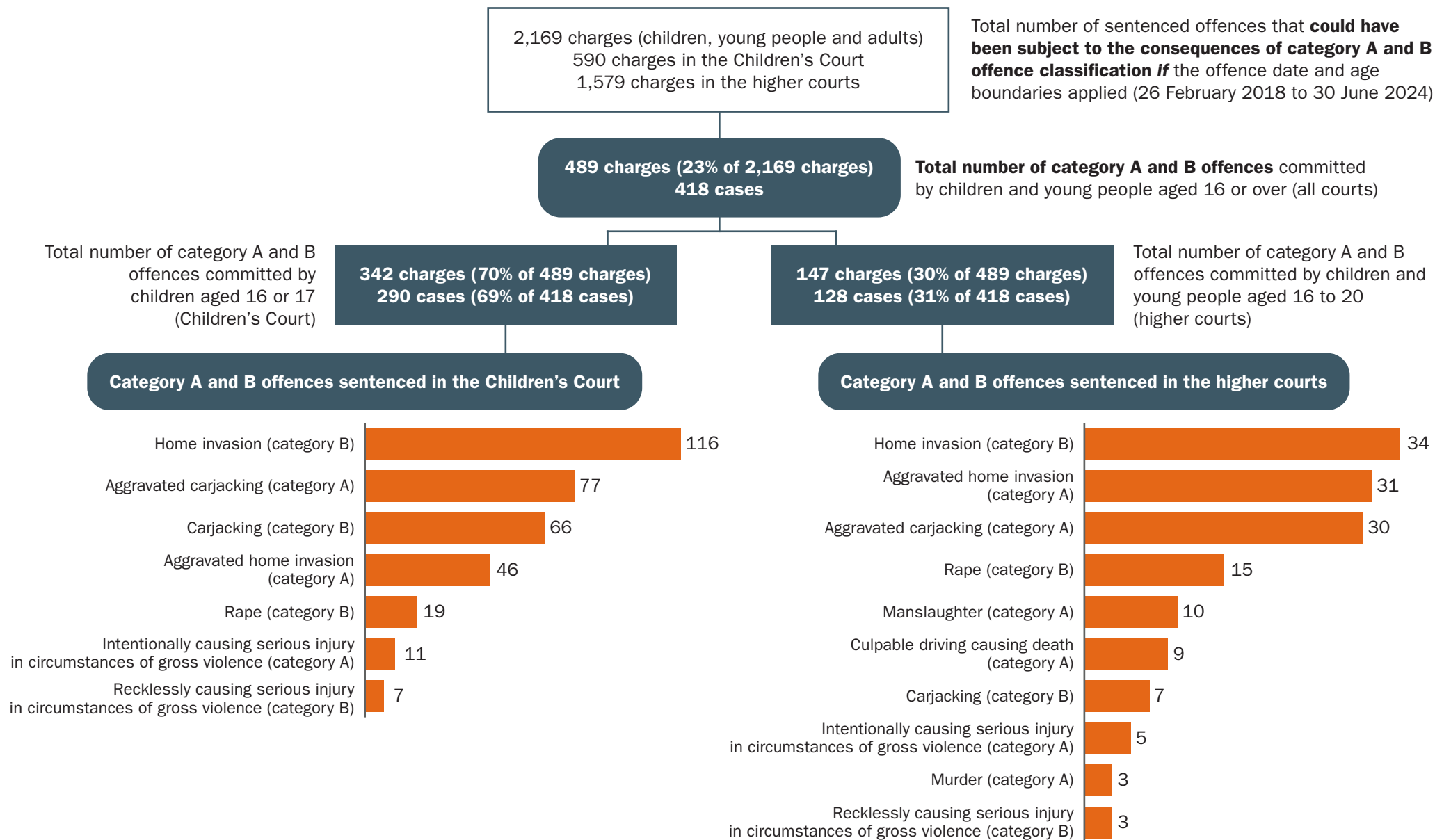
From 26 February 2018 to 30 June 2024 (almost 6.5 years), Victorian courts sentenced 489 charges of category A and B serious youth offences committed by children and young people aged 16 to 20 (Figure 2, page 8). The 489 charges were in 418 cases, which is the equivalent of one category A or B offence being sentenced every six days, or 66 cases per year. Of the 489 charges, 70% were sentenced in the Children's Court and 30% in the higher courts. The three most common category A and B offences in the Children's Court were home invasion (116 charges), aggravated carjacking (77 charges) and carjacking (66 charges): two are category B offences. And the three most common category A and B offences in the higher courts were home invasion (34 charges), aggravated home invasion (31 charges) and aggravated carjacking (30 charges): two are category A offences.

Of the 290 cases involving category A and B serious youth offences in the Children's Court, 19% (56 cases) were sentenced outside metropolitan Melbourne. Of the 128 cases involving category A and B serious youth offences in the higher courts, 8% (10 cases) were sentenced outside metropolitan Melbourne. This suggests that category A and B serious youth offences were not particularly overrepresented in regional areas.<sup>23</sup>

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23. Roughly 83% of Victorians live in metropolitan Melbourne: Australian Bureau of Statistics, *Snapshot of Victoria: High Level Summary Data for Victoria in 2021* (abs.gov.au, 2022). And 81% of category A and B serious youth offences were sentenced in metropolitan Melbourne.

**Figure 2:** Number of category A and B serious youth offences sentenced in Victoria, 26 February 2018 to 30 June 2024 (489 charges in 418 cases)<sup>24</sup>



24. As noted above, category A and B offences are not classified as such in this report if they were committed by children aged under 16 at the time of the offence. There were 247 charges of category A and B offences sentenced in 196 Children's Court cases where the offender was aged under 16 at the time of the offence.

## Age of offenders at the time of a category A or B serious youth offence

Table 2 (page 10) presents the ages of children and young people at the time of committing the 489 sentenced charges of category A and B serious youth offences during the reference period. In the Children's Court, 52% of the total 342 charges of category A and B serious youth offences in that jurisdiction were committed by children aged 16, and the other 48% were committed by children aged 17.<sup>25</sup> In the higher courts, only 22% of category A and B serious youth offences (33 charges) were committed by children aged 16 or 17, collectively; the other 78% were committed by young offenders aged 18 to 20. And among those 33 charges committed by children aged 16 or 17, 9 were homicide offences that had to be sentenced in the higher courts (there was no discretion to hear the offences summarily).

This means that just 24 category A and B serious youth offences committed by children aged 16 or 17 were uplifted to the adult jurisdiction (12 aggravated home invasions, 6 aggravated carjackings, 2 home invasions, 1 carjacking and 3 charges of intentionally causing serious injury in circumstances of gross violence). Of these 24 offences, 3 were category B offences,<sup>26</sup> and 21 were category A offences for which there was a presumption of uplift to the adult jurisdiction.

Conversely, 134 category A offences committed by children aged 16 or 17 remained in the Children's Court. This means that of all the category A offences committed by children aged 16 or 17 where there was some discretion about which court would sentence the offender, just 14% were uplifted to the adult jurisdiction (21 of 155 charges). The other 86% of cases remained in the Children's Court. This means that the child or prosecution requested that the matter be dealt with summarily; the Children's Court considered the sentencing options available to be sufficient in the circumstances; and it was in the interests of the victim or victims, the accused was particularly vulnerable due to cognitive impairment or mental illness, or there was a substantial and compelling reason to hear the matter summarily. These cases frequently involved young children who took part in group offending on a complicity

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25. Offences committed by people aged 18 or over are excluded from the jurisdiction of the Children's Court: *Children, Youth and Families Act 2005* (Vic) s 516.

26. These 3 charges were in 2 cases, both of which involved a child aged 17 at the time of the offence. There were no category A serious youth offences in those 2 cases at the time of sentencing; it was not possible to determine whether the children were originally charged with category A serious youth offences but the matters resolved with less serious charges.

basis (that is, the child was not the principal offender). The personal circumstances of the children in these cases typically involve a background of disadvantage and trauma that shows why the circumstances so often constituted substantial and compelling reasons that justified dealing with the matters summarily.

**Table 2:** Ages of children and young people at the time of committing category A and B serious youth offences, by jurisdiction and offence (489 charges)

Offence	Children's Court		Higher courts				
	Aged 16	Aged 17	Aged 16	Aged 17	Aged 18	Aged 19	Aged 20
<b>Category A serious youth offences</b>							
Murder	0	0	1	1	0	1	0
Manslaughter	0	0	3	2	4	1	0
Culpable driving causing death	0	0	1	1	2	5	0
Intentionally causing serious injury in circumstances of gross violence	7	4	2	1	1	1	0
Aggravated home invasion	28	18	2	10	13	5	1
Aggravated carjacking	42	35	1	5	11	10	3
<b>Category B serious youth offences</b>							
Home invasion	55	61	0	2	23	7	2
Carjacking	34	32	0	1	3	3	0
Recklessly causing serious injury in circumstances of gross violence	4	3	0	0	1	2	0
Rape	9	9	0	0	9	5	1
Rape by compelling sexual penetration	0	1	0	0	0	0	0

## Gender of offenders who committed category A and B serious youth offences

Across both the Children's Court and the higher courts during the reference period, there were 418 cases involving category A and B serious youth offences committed by children and young people aged 16 to 20 at the time of the offence. In those cases, 92% of offenders were male (384 offenders) and just 8% were female (34 offenders).

**92% of category A or B serious youth offences were committed by male offenders**

Of those 418 cases, 128 were sentenced in the higher courts. Just 6 involved female offenders (5%); the other 122 involved male offenders (95%). Of the 6 female offenders, 4 were aged 18 and 2 were aged 19 at the time of the offence. They were sentenced for culpable driving causing death (1 offender), aggravated carjacking (2 offenders), home invasion (2 offenders) and carjacking (1 offender). They were not sentenced for murder, manslaughter, rape or gross violence offences; those category A and B offences were all committed by male offenders. Almost all of the category A and B offences involving female offenders also seemed to have been committed in company with one or more male co-offenders. And the 6 female offenders all appeared to have experienced significant childhood trauma that was linked to their offending (see, for example, Case Study 1).<sup>27</sup> This is consistent with decades of research on the drivers of offending by female offenders and the different offence types they commit, compared to male offenders.<sup>28</sup>

### Case Study 1: Young female offender in the higher courts

The young offender in this case was an 18-year-old Aboriginal woman who had pleaded guilty to home invasion, which is a category B serious youth offence and a category 2 offence. Along with two male co-offenders, she broke into a family's home while family members slept inside, stole car keys and then stole vehicles. She had a long history of trauma, serious mental health issues and difficult family circumstances. Also, she had reconnected with her parents prior to sentencing, she had successfully completed a residential rehabilitation program, she was no longer using substances, and she had participated in a Koori Court sentencing conversation. The court found the totality of the circumstances to be substantial, compelling, exceptional and rare, and ordered a 2-year community correction order rather than imprisonment, which is otherwise required for a category 2 offence.

*DPP v Perry (a pseudonym) [2020] VCC 2015*

The remaining 290 cases were sentenced in the Children's Court. In those cases, 90% of offenders were male (262 offenders) and the other 10% were female (28 offenders). The 28 female offenders were sentenced for aggravated home invasion (3 offenders), aggravated carjacking (4 offenders), carjacking (17 offenders) and home invasion (8 offenders). They were not sentenced for any gross violence or rape offences.

27. *DPP v Perry (a pseudonym) [2020] VCC 2015; DPP v Solofuti [2022] VCC 1681; DPP v Mitcham [2023] VCC 464* (this last case of culpable driving causing death did not involve a male co-offender).

28. Kathleen Daly, 'Women's Pathways to Felony Court: Feminist Theories of Lawbreaking and Problems of Representation' (1992) 2 *Southern California Review of Law and Women's Studies* 11, 23–45; Lorana Bartels et al., *Responding to the Needs of Women and Girls Involved with Court Services* (2024) 15–16.

## How were category A and B serious youth offences sentenced?

The provisions that limit the availability of youth justice centre orders for category A and B serious youth offences only apply either to cases that have been transferred to the adult courts (for offenders aged 16 or 17) or to cases that must already be heard in the higher courts (for offenders aged 18 to 20). The Children's Court must apply its usual sentencing principles to category A and B offences, including the principle of parsimony, enshrined in section 361 of the *Children, Youth and Families Act 2005* (Vic),<sup>29</sup> which prevents a court from imposing a more severe penalty if a less severe penalty would be sufficient. The Children's Court cannot impose a youth justice centre order 'unless it is satisfied that it is not appropriate to impose a [less severe] sentence'.<sup>30</sup> Given that sentencing principles, purposes, factors and other legislative requirements differ between the Children's Court and the adult courts, the sentencing outcomes for category A and B offences are presented separately for each jurisdiction. The sentences imposed should *not* be compared between jurisdictions. Sentencing outcomes in the higher courts include cases involving offenders aged 18 to 20 at the time of the offence, whereas outcomes in the Children's Court do not. Further, the very fact that cases involving offenders aged 16 and 17 were uplifted to the higher courts suggests that those cases were different in nature (were more objectively serious and/or had fewer subjective mitigating factors) to the cases involving category A and B offences in the Children's Court.

### Sentencing outcomes for category A and B offences in the Children's Court

In the Children's Court, 32% of category A and B serious youth offences resulted in a sentence of detention in a youth justice centre (Figure 3, page 13). Custodial rates were highest for children sentenced for intentionally causing serious injury in circumstances of gross violence

(73%), aggravated home invasion (37%) and aggravated carjacking (35%), all category A offences. Other sentencing outcomes for category A and B offences included youth attendance or youth supervision orders (35%),<sup>31</sup> probation (15%), youth diversion (10%),<sup>32</sup> good behaviour bonds (8%) and accountable undertakings (<1%).

**32% of category A and B offences received custodial sentences in the Children's Court**

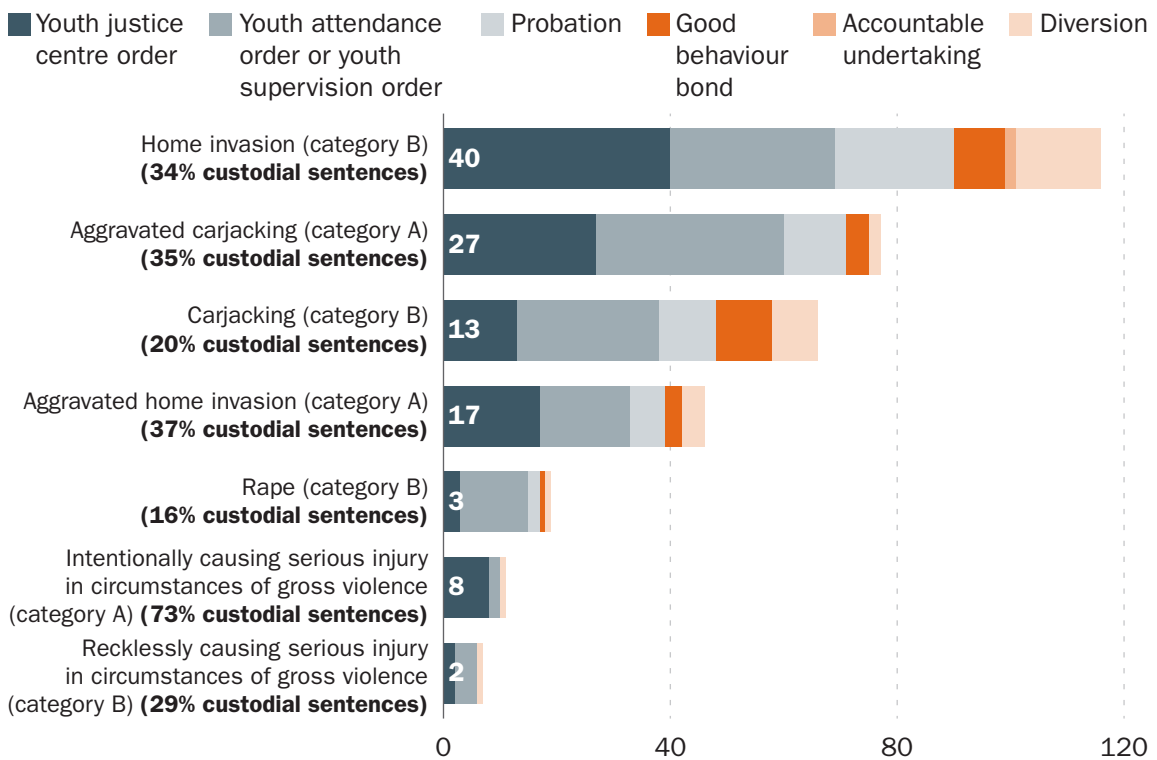
29. Section 361 will soon be replaced by a similar provision: *Youth Justice Act 2024* (Vic) s 240.

30. *Children, Youth and Families Act 2005* (Vic) s 361.

31. Youth attendance orders were imposed for 27 charges, and youth supervision orders were imposed for 87 charges.

32. While diversion is not a sentence *per se*, it is an important disposition of criminal proceedings and does involve the child accepting responsibility for their behaviour: *Children, Youth and Families Act 2005* (Vic) ss 356D–356E.

**Figure 3:** Sentence types imposed for category A and B serious youth offences in the Children’s Court, 26 February 2018 to 30 June 2024 (342 charges)

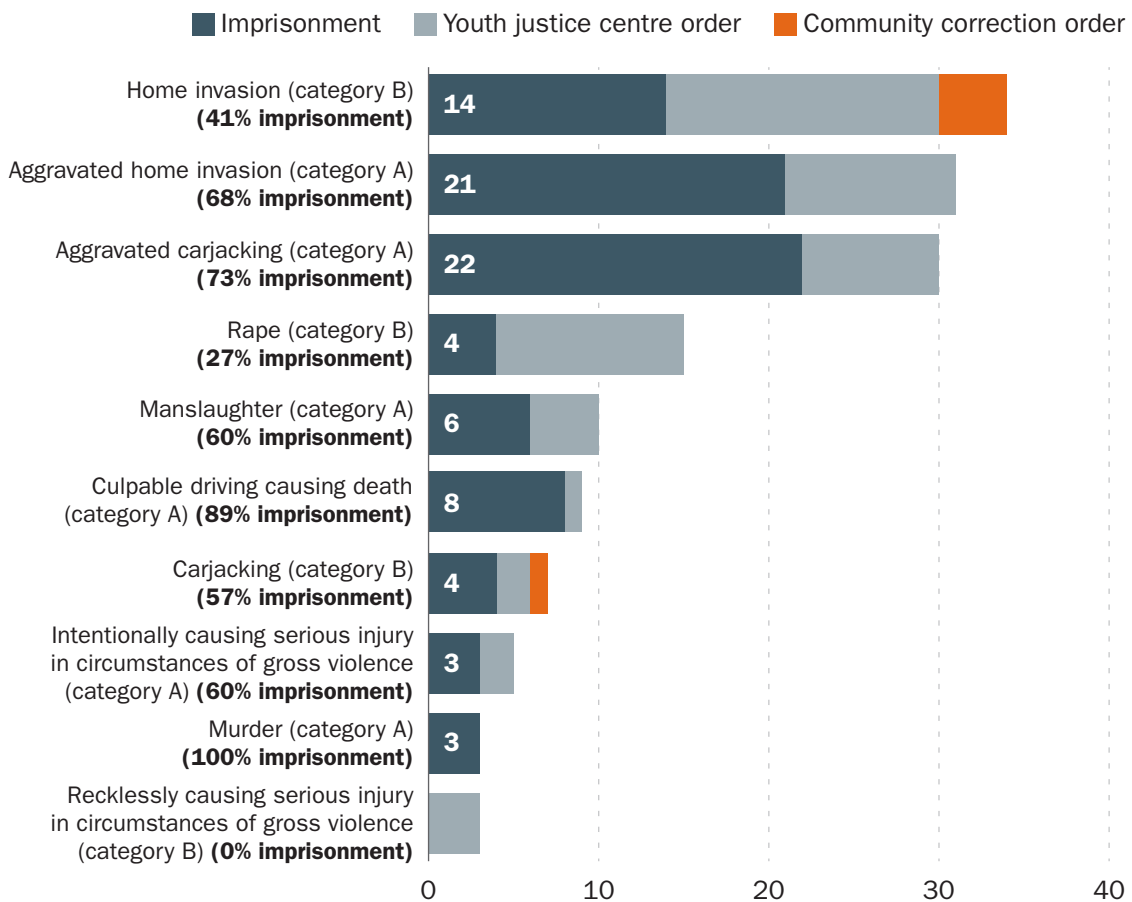


### Sentencing outcomes for category A and B offences in the higher courts

In the higher courts, 97% of category A and B serious youth offences resulted in a sentence involving some form of detention, constituted by either adult imprisonment (58% of the 147 charges) or detention in a youth justice centre (39%) (Figure 4, page 14). The remaining 3% received a community correction order for either home invasion (4 charges) or carjacking (1 charge), both category B offences. Imprisonment rates were highest for category A offences of murder (100%), culpable driving causing death (89%), aggravated carjacking (73%), aggravated home invasion (68%), manslaughter (60%) and intentionally causing serious injury in circumstances of gross violence (60%). Conversely, imprisonment rates were lowest for category B offences of carjacking (57%), home invasion (41%), rape (27%) and recklessly causing serious injury in circumstances of gross violence (0%). There were 25 charges of category A offences that resulted in a youth justice centre order, which could only have been imposed if there were ‘exceptional circumstances’ to justify not imposing adult imprisonment (see Case Studies 2 and 3 for examples of cases where exceptional circumstances were and were not made out).

**97% of category A and B offences received custodial sentences in the higher courts (58% imprisonment and 39% youth justice centre orders)**

**Figure 4:** Sentence types imposed for category A and B serious youth offences in the higher courts, 26 February 2018 to 30 June 2024 (147 charges)



It is also important to distinguish between the sentencing outcomes imposed on children aged 16 and 17 and sentencing outcomes imposed on young offenders aged 18 to 20, as different sentencing considerations apply to these two groups. Accordingly, there was a higher rate of youth justice centre orders (as opposed to adult imprisonment) in the 26 cases involving category A and B offences committed by offenders aged 16 and 17: 12 offenders received adult imprisonment (46%) and the other 14 received youth justice centre orders (54%).

### Case Study 2: Exceptional circumstances for a category A offence in the higher courts

The offender took part in a late-night aggravated home invasion, entering a unit with three co-offenders, knowing that one co-offender was armed with a hammer and another had a knife. The offenders confronted a woman in bed with her five-year-old son, pointing the knife at her, which the court described as ‘a terrifying experience that will have a lasting effect on the victims’ and ‘a serious example of the offence’.

The court did, however, consider that, together, the combination of mitigating factors in the case constituted exceptional circumstances that justified a youth justice centre order instead of adult imprisonment. These mitigating factors included that the offender had no prior convictions; he had pleaded guilty; he had cooperated with police and had given a detailed statement naming his co-offenders – he was violently assaulted while in custody as a result; he had a longstanding intellectual impairment; he was still very young; he was genuinely remorseful; he had some community supports; he had reasonable prospects of rehabilitation; and Youth Justice had assessed him as vulnerable in adult prison and suitable for a youth justice centre order. The court imposed a 2.5-year youth justice centre order.

*DPP v Webster* [2019] VCC 2239

### Case Study 3: No exceptional circumstances for a category A offence in the higher courts

The offender (aged 18) was in company with two others. The group approached a car in which the victim was sitting, opened his car door and asked for a cigarette or money. The victim said he didn't have any money or cigarettes. The offender told the victim that he had a knife. The victim tried to close the car door but the offender stopped him from doing so. The victim exited the car and the offender struck him to the head with a glass beer bottle that shattered. The offender then punched the victim in the face. The group stole the victim's keys and drove away in his car. The offender was charged with aggravated carjacking. In his victim impact statement, the victim said he 'cannot work properly anymore, is always under stress, and feels like crying all the time ... and is so scared that he does not turn off his bedroom light at night'.

Defence counsel in the case raised a number of matters in mitigation: the offender had pleaded guilty; he was a youthful offender; he would likely be deported to Liberia as a result of the sentence he would receive; and he had been diagnosed with a major depressive disorder and post-traumatic stress disorder.

The aggravated carjacking offence was both a category A serious youth offence (requiring adult imprisonment unless there were exceptional circumstances) and a category 1 offence (requiring a term of imprisonment unless there were substantial and compelling reasons that were exceptional and rare). The offence also carried a minimum term of 3 years' imprisonment, unless there were substantial and compelling reasons that were exceptional and rare. Despite the mitigating factors in this case, the court concluded that the circumstances were not exceptional and ordered 3.5 years' imprisonment with a 3-year non-parole period.

*DPP v Tarplah* [2022] VCC 2193

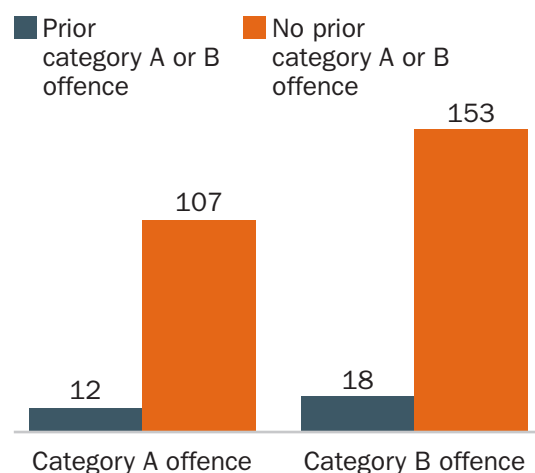
## How many offenders sentenced for category A and B serious youth offences had prior category A and B offences?

If a child or young person is sentenced for a category B serious youth offence in an adult court, their prior criminal history can dictate how the court approaches sentencing. If the offender has previously been sentenced for any offence that is now a category A or B serious youth offence (such as a home invasion committed in early 2017), then the court must impose a sentence of adult imprisonment, rather than a youth justice centre order, unless there are 'exceptional circumstances'.<sup>33</sup> If the offender has not previously been sentenced for a category A or B serious youth offence, then the court is at liberty to impose a youth justice centre order with a maximum length of 4 years.<sup>34</sup>

To understand how often 'exceptional circumstances' arose in the 418 cases involving category A or B serious youth offences, the Council examined whether the offender was (a) sentenced for a category A or B serious youth offence for the first time, (b) sentenced for a category A serious youth offence with at least one prior category A or B offence or (c) sentenced for a category B serious youth offence with at least one prior category A or B offence. To clarify, this is not an exhaustive account of each offender's entire criminal history; it exclusively examines how many offenders had prior category A and B offences.

In the Children's Court, 90% of the 290 children sentenced for a category A or B serious youth offence had never previously been sentenced for a category A or B offence (Figure 5). Of the 30 who did have a prior category A or B offence, 12 were sentenced for a category A offence (meaning that despite the offenders' prior criminal history, the court found there to be substantial and compelling reasons for the matter

**Figure 5:** Children with prior category A and B offences sentenced for category A and B offences in the Children's Court (290 cases)



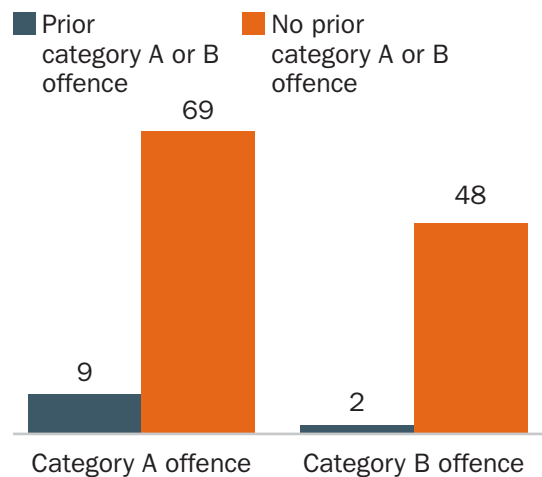
33. *Sentencing Act 1991* (Vic) s 32(2D).

34. *Sentencing Act 1991* (Vic) s 32(3)(b). The court must, though, be of the view that 'there are reasonable prospects for the rehabilitation of the young offender' or 'that the young offender is particularly impressionable, immature or likely to be subjected to undesirable influences in an adult prison': *Sentencing Act 1991* (Vic) s 32(1).

to remain in the Children’s Court) and 18 were sentenced for a category B offence (such that there was a default presumption that the matter would remain in the Children’s Court).

In the higher courts, 91% of the 128 children and young people sentenced for a category A or B serious youth offence had never previously been sentenced for a category A or B offence (Figure 6), including 48 offenders who had committed a category B offence for the first time and 69 offenders who had committed a category A offence for the first time. Only 11 children and young people had at least one prior category A or B offence: 9 were sentenced for a category A offence and 2 were sentenced for a category B offence. This means that during the reference period, there were only 2 cases where an adult court was required, by virtue of section 32(2D) of the *Sentencing Act*, to impose imprisonment unless there were exceptional circumstances not to do so. And imprisonment was imposed in both cases.<sup>35</sup>

**Figure 6:** Children and young people with prior category A and B offences sentenced for category A and B offences in the higher courts (128 cases)



In total, there were just 41 children and young people sentenced for a category A or B offence on more than one occasion in the 6.5-year reference period, or earlier before the relevant offences (carjackings, home invasions, and various homicide, sex and violent offences) attracted that classification. This is not an indication of their overall levels of prior offending, as it does not account for other offences that are *not* category A or B offences, but it does suggest that very few children and young people repeatedly commit these same serious crimes after sentencing.

35. *DPP v Jal* [2021] VCC 488; *DPP v Kuan* [2024] VCC 160.

## Category A and B offences committed by children aged under 16

As mentioned, the 2018 legislation was almost entirely directed at children and young people aged 16 or over, and the legislation functioned in a way that was consistent with that intent. The uplift and sentencing provisions only applied to children and young people aged 16 or over at the time of the offence. The statutory definitions of category A and B serious youth offences, however, have no age boundary. And there was one legislative provision that applied if the Children's Court was sentencing a category A or B serious youth offence committed by a child aged under 16. To provide as exhaustive an account as possible, despite the limited practical effects of category A and B offence classification for younger children, Table 3 shows how many category A and B serious youth offences were committed by children *aged under 16*. All these children were sentenced in the Children's Court, and they were sentenced for 247 category A and B offences in 196 cases during the reference period. Table 3 lists those offences and the ages of the children who committed them. Exceptionally few of these offences were committed by children aged 12 and 13 (10 offences in total, 7 of which were home invasions). No children aged 14 were sentenced for either of the gross violence offences. Most of their offending involved home invasions and carjackings (aggravated and non-aggravated), and there were 8 rape offences. The same was mostly true for children aged 15, who committed most of these offences among those aged under 16, although they also committed 9 gross violence offences.

**Table 3:** Ages of younger children sentenced in the Children's Court for category A and B serious youth offences

Offence	Aged 12	Aged 13	Aged 14	Aged 15
<b>Aggravated carjacking</b>	0	3	20	32
<b>Aggravated home invasion</b>	0	0	9	24
<b>Carjacking</b>	0	0	17	26
<b>Home invasion</b>	1	6	21	58
<b>Rape</b>	0	0	8	13
<b>Intentionally causing serious injury in circumstances of gross violence</b>	0	0	0	6
<b>Recklessly causing serious injury in circumstances of gross violence</b>	0	0	0	3
<b>Total</b>	<b>1</b>	<b>9</b>	<b>75</b>	<b>162</b>

## Conclusion

This report has examined the number of category A and B serious youth offences committed by children and young people aged 16 to 20 who were sentenced in Victoria since the introduction of category A and B offence classification. The report includes the courts in which children and young people were sentenced for category A and B offences, the gender of the offenders, their age at the time of the offence and the sentences imposed on offenders for category A and B offences. Key findings include the following:

- Relatively few category A and B serious youth offences were sentenced in the almost 6.5 years examined (489 charges in 418 cases) at an average of 66 cases per year.
- Very few children and young people were sentenced for category A and B serious youth offences on more than one occasion during the reference period. Of the 418 cases involving category A and B offences, just 41 involved a child or young person who had previously been sentenced for a category A or B serious youth offence, including offences that are now category A and B offences but weren't at the time of the offence.
- 70% of category A and B serious youth offences were sentenced in the Children's Court, not the adult courts. Most of the category A and B offences that were sentenced in the higher courts involved young offenders aged 18 to 20, whose cases could not have been heard in the Children's Court due to their age.
- Across all jurisdictions, more than half of sentenced category A and B serious youth offences were category B offences (55%); the rest were category A offences (45%).
- The high rate of category B offences partly explains why so many category A and B offences were sentenced in the Children's Court. During the reference period, there was a default presumption that category B offences would be sentenced in the Children's Court unless exceptional circumstances required the case to be transferred to the adult jurisdiction. That said, most of the category A offences committed by offenders aged 16 and 17 (86%) were also sentenced in the Children's Court, rather than being uplifted to the higher courts. This suggests that those cases all met the relatively high threshold that permitted the matter to be dealt with summarily in the Children's Court.
- In the Children's Court, one-third of category A and B serious youth offences resulted in a youth justice centre order (32%), while the other 68% resulted in non-custodial sentences, especially youth supervision and youth attendance orders. No mandatory or presumptive sentencing laws applied if these offences were dealt with in the Children's Court.

- In the higher courts, 97% of category A and B serious youth offences resulted in a sentence involving detention: 58% imprisonment and 39% youth justice centre orders. In cases involving category A offences that resulted in youth justice centre orders, there were mitigating factors that combined for the sentencing court to find the circumstances exceptional enough to not require adult imprisonment.

At first glance, these findings may raise the question whether the introduction of category A and B classification achieved its legislative intent. Very few offenders aged 16 or 17 at the time of the offence were sentenced in the adult jurisdiction for category A or B serious youth offences (24 charges) in circumstances where there was some discretion to sentence the offender in the Children's Court. Further, a relatively high rate of youth justice centre orders, as opposed to adult imprisonment, were imposed for category A offences in the higher courts. This means that, just as the Children's Court often found that the circumstances met the threshold of 'substantial and compelling', so too did the higher courts often find that the circumstances met the (more stringent) threshold of 'exceptional'.

These findings, however, simply reflect the nature of these cases. They are serious crimes, but they were committed by children. A review of sentencing remarks in those cases suggests an exceptionally high rate of childhood trauma, abuse, violence and neglect, and ongoing issues with mental illness and substance abuse. Category A offences could only be dealt with in the Children's Court for substantial and compelling reasons and could only receive a youth justice centre order in the higher courts if there were exceptional circumstances; however, these are precisely the types of cases where a constellation of disadvantage tended to cluster and reach those high thresholds.<sup>36</sup>

The data in this report aims to provide a useful baseline to examine the effects of the 2025 reforms. As can be seen in the summary of the reforms in Table 4 (page 21), there is an expansion of offences that are subject to presumptive or mandatory uplift because of the offender's age or the offence committed. These reforms will result in almost all of the category A and B offences previously sentenced in the Children's Court being uplifted to the adult jurisdiction.

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36. See, for example, *WB v DPP* [2019] VChC 1. For a case where an application for transfer back to the Children's Court was unsuccessful and which interprets the phrase 'substantial and compelling reason', see *PT v DPP* [2019] VCC 836. In 2019, the Children's Court said that the introduction of category A and B offence classification had resulted in 'an increase in applications ... for summary jurisdiction': Children's Court of Victoria, Submission 17 to Victorian Law Reform Commission, *Review of Committals* (2019) 10. The Children's Court also said that the increase in applications for summary jurisdiction was creating delays: Victorian Law Reform Commission, *Committals: Report* (2020) 141.

**Table 4:** Designated and non-designated category A and B serious youth offences

<b>Designation</b>	<b>Category A</b>	<b>Category B</b>
<b>Designated</b>	Intentionally causing serious injury in circumstances of gross violence Aggravated home invasion Aggravated carjacking <p style="text-align: center;"><b>Mandatory uplift for children aged 15 or over</b></p> <p style="text-align: center;"><b>Presumptive uplift for children aged 14</b></p> <p style="text-align: center;"><b>Presumptive no uplift for children aged under 14</b></p>	Recklessly causing serious injury in circumstances of gross violence Home invasion <p style="text-align: center;"><b>Mandatory uplift for children aged 15 or over</b></p> <p style="text-align: center;"><b>Presumptive uplift for children aged 14</b></p> <p style="text-align: center;"><b>Presumptive no uplift for children aged under 14</b></p>
<b>Non-designated</b>	Murder Attempted murder Manslaughter Child homicide Homicide by firearm Arson causing death Culpable driving causing death <p style="text-align: center;"><b>Mandatory uplift for children of all ages</b></p> Terrorism offences <p style="text-align: center;"><b>Uplift varies</b></p>	Rape Rape by compelling sexual penetration <p style="text-align: center;"><b>Consider uplift for children aged 16 or over</b></p> Carjacking <p style="text-align: center;"><b>Presumptive uplift for children aged 14 or over</b></p> <p style="text-align: center;"><b>Presumptive no uplift for children aged under 14</b></p>

## Appendix: Publicly available judgments involving category A and B serious youth offences (to 30 June 2024)

Offence	Age at offence	Sentence type	Judgments
<b>Aggravated carjacking</b>	17	Imprisonment	<i>DPP v Paucek (a pseudonym) &amp; Ors</i> [2020] VCC 1678
	18	Imprisonment	<i>DPP v Cornish</i> [2019] VCC 1194
	18	Imprisonment	<i>DPP v Buckley</i> [2021] VCC 1186, upheld in <i>Buckley v The Queen</i> [2022] VSCA 138
	18	Imprisonment	<i>DPP v Patrice</i> [2021] VCC 1313
	18	Imprisonment	<i>DPP v Alabbaoudy</i> [2023] VCC 2271
	18	Imprisonment	<i>DPP v Tarplah</i> [2022] VCC 2193
	18	Imprisonment	<i>DPP v Wastell</i> [2023] VCC 1024
	18	Youth justice centre order	<i>DPP v Edwards</i> [2019] VCC 631
	18	Youth justice centre order	<i>DPP v Dyer</i> [2022] VCC 851
	18	Youth justice centre order	<i>DPP v Outen-Lepoidevin</i> [2024] VCC 779
	19	Imprisonment	<i>DPP v Hawkins</i> [2019] VCC 147
	19	Imprisonment	<i>DPP v Butler</i> [2020] VCC 1370
	19	Imprisonment	<i>DPP v Zokhai</i> [2022] VCC 108
	19	Imprisonment	<i>DPP v Sarpur</i> [2022] VCC 773
	19	Imprisonment	<i>DPP v Gardiner</i> [2023] VCC 1297
	19	Imprisonment	<i>DPP v Solofuti</i> [2022] VCC 1681
	19	Imprisonment	<i>DPP v Patrice &amp; Ors</i> [2023] VCC 67
20	Imprisonment	<i>DPP v Abel</i> [2024] VCC 236	
<b>Aggravated home invasion</b>	16	Youth justice centre order	<i>DPP v MN (a pseudonym)</i> [2019] VCC 1986
	16	Youth justice centre order	<i>DPP v MM (a pseudonym)</i> [2019] VCC 1993
	17	Imprisonment	<i>DPP v TP (a pseudonym)</i> [2019] VCC 1795
	17	Imprisonment	<i>DPP v Paucek (a pseudonym) &amp; Ors</i> [2020] VCC 1678
	17	Youth justice centre order	<i>DPP v LT (a pseudonym)</i> [2020] VCC 592
	18	Imprisonment	<i>DPP v Clifton (a pseudonym)</i> [2019] VCC 1555

<b>Offence</b>	<b>Age at offence</b>	<b>Sentence type</b>	<b>Judgments</b>
	18	Imprisonment	<i>DPP v Dador</i> [2019] VCC 649
	18	Imprisonment	<i>DPP v Abela-Rogers &amp; Anor</i> [2020] VCC 1412
	18	Imprisonment	<i>DPP v Sari</i> [2020] VCC 1803
	18	Imprisonment	<i>DPP v Riek</i> [2020] VCC 2054
	18	Imprisonment	<i>DPP v Winsor</i> [2023] VCC 1884
	18	Imprisonment	<i>DPP v Mensur</i> [2023] VCC 989
	18	Youth justice centre order	<i>DPP v Webster</i> [2019] VCC 2239
	18	Youth justice centre order	<i>DPP v Young-Green &amp; Anor</i> [2020] VCC 1793
	19	Imprisonment	<i>DPP v Bana</i> [2020] VCC 1874
	19	Imprisonment	<i>DPP v Williams</i> [2022] VCC 266
	20	Imprisonment	<i>DPP v Okot</i> [2020] VCC 1404
<b>Culpable driving causing death</b>	16	Youth justice centre order	<i>DPP v Holt (a pseudonym)</i> [2021] VCC 1655
	17	Imprisonment	<i>DPP v Gallagher (a pseudonym)</i> [2021] VCC 1528
	18	Imprisonment	<i>DPP v Werps</i> [2021] VCC 2094
	18	Imprisonment	<i>DPP v Handley</i> [2024] VCC 566
	19	Imprisonment	<i>DPP v Currie</i> [2020] VCC 1795
	19	Imprisonment	<i>DPP v Mitcham</i> [2023] VCC 464
<b>Intentionally causing serious injury in circumstances of gross violence</b>	16	Youth justice centre order	<i>DPP v JA &amp; Ors</i> [2023] VSC 531 (MM)
	17	Imprisonment	<i>DPP v Castillo (a pseudonym)</i> [2022] VCC 2180
	18	Imprisonment	<i>DPP v Amin &amp; Anor</i> [2020] VCC 800 (Amin)
	19	Imprisonment	<i>DPP v Amin &amp; Anor</i> [2020] VCC 800 (Said)
<b>Manslaughter</b>	16	Youth justice centre order	<i>DPP v JA &amp; Ors</i> [2023] VSC 531 (JA)
	17	Imprisonment	<i>DPP v JN</i> [2023] VSC 500
	17	Imprisonment	<i>DPP v MA</i> [2023] VSC 613
	18	Imprisonment	<i>DPP v Kilpatrick</i> [2019] VSC 779
	18	Imprisonment	<i>DPP v Horton</i> [2021] VSC 396
	18	Imprisonment	<i>DPP v Aliti</i> [2021] VSC 825
	18	Youth justice centre order	<i>DPP v Tupou</i> [2020] VSC 377
	19	Imprisonment	<i>DPP v Atkinson</i> [2024] VSC 286

<b>Offence</b>	<b>Age at offence</b>	<b>Sentence type</b>	<b>Judgments</b>
<b>Murder</b>	16	Imprisonment	<i>DPP v Wentworth (a pseudonym)</i> [2020] VSC 435
	17	Imprisonment	<i>DPP v AK</i> [2019] VSC 852
	19	Imprisonment	<i>DPP v Todd</i> [2019] VSC 585
<b>Carjacking</b>	18	Youth justice centre order	<i>DPP v Ceu</i> [2021] VCC 1726
	18	Youth justice centre order	<i>DPP v Outen-Lepoidevin</i> [2024] VCC 779
	19	Imprisonment	<i>DPP v Sarpur</i> [2022] VCC 773
	19	Imprisonment	<i>DPP v Solofuti</i> [2022] VCC 1681
	19	Community correction order	<i>DPP v Giuliano</i> [2023] VCC 1646
<b>Recklessly causing serious injury in circumstances of gross violence</b>	18	Youth justice centre order	<i>DPP v Aden</i> [2023] VCC 392
	19	Youth justice centre order	<i>DPP v Farquhar</i> [2024] VCC 326
	19	Youth justice centre order	<i>DPP v Overhoff</i> [2024] VCC 388
<b>Rape</b>	18	Imprisonment	<i>DPP v Sherman (a pseudonym)</i> [2024] VCC 299
	18	Youth justice centre order	<i>DPP v Mullins (a pseudonym)</i> [2020] VCC 1257
	18	Youth justice centre order	<i>DPP v Croft (a pseudonym)</i> [2023] VCC 1243
	19	Imprisonment	<i>DPP v Todd</i> [2019] VSC 585
	19	Youth justice centre order	<i>DPP v Amin</i> [2019] VCC 1756
	19	Youth justice centre order	<i>DPP v Hyde</i> [2019] VCC 712
<b>Home invasion</b>	17	Youth justice centre order	<i>DPP v JK</i> [2020] VSC 510
	18	Imprisonment	<i>DPP v Ghanim</i> [2019] VCC 1271
	18	Imprisonment	<i>DPP v Jal</i> [2021] VCC 488
	18	Imprisonment	<i>DPP v Siisii &amp; Anor</i> [2023] VCC 1190
	18	Imprisonment	<i>DPP v Neill &amp; Anor</i> [2023] VCC 1277
	18	Imprisonment	<i>DPP v Alessawi &amp; Ors</i> [2023] VCC 1835
	18	Imprisonment	<i>DPP v Muvunyi</i> [2024] VCC 151
	18	Imprisonment	<i>DPP v Kuan</i> [2024] VCC 160

<b>Offence</b>	<b>Age at offence</b>	<b>Sentence type</b>	<b>Judgments</b>
	18	Youth justice centre order	<i>DPP v Hingano</i> [2019] VCC 2068
	18	Youth justice centre order	<i>DPP v Sidi</i> [2019] VCC 2177
	18	Youth justice centre order	<i>DPP v Alqasim</i> [2019] VCC 463
	18	Youth justice centre order	<i>DPP v Paeara</i> [2020] VCC 1889
	18	Youth justice centre order	<i>DPP v Laula</i> [2021] VCC 792
	18	Youth justice centre order	<i>DPP v McKinley</i> [2024] VCC 1142
	18	Community correction order	<i>DPP v Atkinson</i> [2019] VCC 1777
	18	Community correction order	<i>DPP v Perry (a pseudonym)</i> [2020] VCC 2015
	19	Imprisonment	<i>DPP v Abel</i> [2024] VCC 236
	19	Imprisonment	<i>DPP v Batsanes &amp; Smith</i> [2023] VSC 693
	19	Youth justice centre order	<i>DPP v Vicendese</i> [2019] VCC 817
	19	Community correction order	<i>DPP v Pegorari</i> [2019] VCC 2055
	20	Community correction order	<i>DPP v Dzesza</i> [2024] VCC 199

## References

### Bibliography

- Australian Bureau of Statistics, *Snapshot of Victoria: High Level Summary Data for Victoria in 2021* (abs.gov.au, 2022).
- Bartels, Lorana, Karen Gelb, Sally Eales, Lydia Corcoran, Hayley Boxall and Valerie Cooms, *Responding to the Needs of Women and Girls Involved with Court Services* (Australian National University, 2024).
- Children’s Court of Victoria, *Practice Direction No. 2 of 2018: Procedure for Indictable Offences That May Be Heard and Determined Summarily* (2018).
- Children’s Court of Victoria, Submission 17 to Victorian Law Reform Commission, *Review of Committals* (2019).
- Daly, Kathleen, ‘Women’s Pathways to Felony Court: Feminist Theories of Lawbreaking and Problems of Representation’ (1992) 2 *Southern California Review of Law and Women’s Studies* 11.
- Sentencing Advisory Council, *Changes to Sentencing Law: An Overview of 2018* (Sentencing Advisory Council, 2018).
- Victorian Law Reform Commission, *Committals: Report* (Victorian Law Reform Commission, 2020).

### Cases

- DPP v Jal* [2021] VCC 488
- DPP v Kuan* [2024] VCC 160
- DPP v Mitcham* [2023] VCC 464
- DPP v Perry (a pseudonym)* [2020] VCC 2015
- DPP v Solofuti* [2022] VCC 1681
- DPP v Tarplah* [2022] VCC 2193
- DPP v Webster* [2019] VCC 2239
- PT v DPP* [2019] VCC 836
- WB v DPP* [2019] VChC 1

## **Legislation**

*Children and Justice Legislation Amendment (Youth Justice Reform) Act 2017 (Vic)*

*Children, Youth and Families Act 2005 (Vic)*

*Crimes Act 1958 (Vic)*

*Crimes Amendment (Manslaughter and Related Offences) Act 2020 (Vic)*

*Justice Legislation Amendment (Community Safety) Act 2025 (Vic)*

*Sentencing Act 1991 (Vic)*

*Youth Justice Act 2024 (Vic)*

## **Quasi-legislative materials**

Victoria, *Parliamentary Debates*, Legislative Assembly, 25 May 2017 (Martin Pakula, Attorney-General).

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