

Guide to Sentencing Schemes in Victoria 2026

Sentencing Advisory Council

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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Successive legislative amendments in recent years have introduced a number of sentencing schemes that apply to particular offences. This includes changes to the *Sentencing Act 1991* (Vic), the *Children, Youth and Families Act 2005* (Vic) and the *Crimes Act 1958* (Vic), as well as the introduction of the *Youth Justice Act 2024* (Vic) and the *Justice Legislation Amendment (Community Safety) Act 2025* (Vic). Often, several schemes will apply to the same offence or to an offence when committed in particular circumstances.

The Council has produced this guide to assist judicial officers, practitioners, criminal justice stakeholders and the broader community in understanding when a particular sentencing scheme applies to the sentencing of a particular offence.

Advice on using this guide

This guide is *not* exhaustive. It does not, for example, list all the serious offences for the purpose of the serious offender provisions in Part 2A of the *Sentencing Act 1991* (Vic), nor does it list the continuing criminal enterprise offences relating to Part 2B of that Act, nor the various federal terrorism offences that can be category A serious youth offences. However, as at the time of publication (30 September 2026), it covers all category 1 and 2 offences, standard sentence offences, statutory minimum sentences and category A and B serious youth offences.

Caution should be exercised when using this guide, to ensure that further amendments to sentencing law have not affected the applicability of a sentencing scheme to a relevant offence.

Offences and applicable sentencing schemes

Tables 1 to 7 cover all category 1 and 2 offences, standard sentence offences, statutory minimum sentences and category A and B serious youth offences, as at 30 September 2026.

Table 1: Homicide offences

Offence and statutory references	Maximum penalty	Category 1 or 2 offence	Standard sentence	Statutory minimum non-parole period or sentence	Statutory minimum youth justice centre detention – young adult offender (18–20)	Category A or B serious youth offence	Serious offender offence (does not include all serious offender offences)
Murder – emergency/custodial/youth justice worker on duty Common law; <i>Crimes Act 1958</i> (Vic) s 3(2)(a); <i>Sentencing Act 1991</i> (Vic) s 3, sch 1	Life	Category 1 Committed on/after 20 March 2017	30 years Committed on/after 1 February 2018			Category A Committed on/after 26 February 2018	Yes
Murder – any other case Common law; <i>Crimes Act 1958</i> (Vic) s 3(2)(b); <i>Sentencing Act 1991</i> (Vic) s 3, sch 1	Life	Category 1 Committed on/after 20 March 2017	25 years Committed on/after 1 February 2018			Category A Committed on/after 26 February 2018	Yes
Attempted murder Common law; <i>Crimes Act 1958</i> (Vic) ss 3, 321P; <i>Sentencing Act 1991</i> (Vic) s 3, sch 1	25 years					Category A Committed on/after 26 February 2018	Yes
Manslaughter Common law; <i>Crimes Act 1958</i> (Vic) s 5; <i>Sentencing Act 1991</i> (Vic) sch 1	25 years	Category 2 Committed on/after 20 March 2017				Category A Committed on/after 26 February 2018	Yes
Manslaughter – in circumstances of gross violence Common law; <i>Crimes Act 1958</i> (Vic) s 5; <i>Sentencing Act 1991</i> (Vic) ss 3, 9B, sch 1	25 years	Category 2 Committed on/after 20 March 2017		10 years' non-parole period Committed on/after 1 November 2014		Category A Committed on/after 26 February 2018	Yes

Offence and statutory references	Maximum penalty	Category 1 or 2 offence	Standard sentence	Statutory minimum non-parole period or sentence	Statutory minimum youth justice centre detention – young adult offender (18–20)	Category A or B serious youth offence	Serious offender offence (does not include all serious offender offences)
Manslaughter – by single punch or strike Common law; <i>Crimes Act 1958</i> (Vic) ss 4A, 5; <i>Sentencing Act 1991</i> (Vic) ss 3, 9C, sch 1	25 years	Category 2 Committed on/after 20 March 2017		10 years' non-parole period Committed on/after 1 November 2014		Category A Committed on/after 26 February 2018	Yes
Homicide by firearm <i>Crimes Act 1958</i> (Vic) s 5B; <i>Sentencing Act 1991</i> (Vic) s 3, sch 1	25 years	Category 2 Committed on/after 20 March 2017	13 years			Category A Committed on/after 26 February 2018	Yes
Child homicide <i>Crimes Act 1958</i> (Vic) s 5A; <i>Sentencing Act 1991</i> (Vic) s 3, sch 1	25 years	Category 2 Committed on/after 20 March 2017				Category A Committed on/after 26 February 2018	Yes
Arson causing death <i>Crimes Act 1958</i> (Vic) s 197A; <i>Sentencing Act 1991</i> (Vic) s 3, sch 1	25 years	Category 2 Committed on/after 20 March 2017				Category A Committed on/after 26 February 2018	Yes
Culpable driving causing death <i>Crimes Act 1958</i> (Vic) s 318; <i>Sentencing Act 1991</i> (Vic) s 3	20 years	Category 2 Committed on/after 28 October 2018	8 years Committed on/after 1 February 2018			Category A Committed on/after 26 February 2018	
Dangerous driving causing death <i>Crimes Act 1958</i> (Vic) s 319; <i>Sentencing Act 1991</i> (Vic) s 3	10 years	Category 2 Committed on/after 28 October 2018					

Table 2: Causing/threatening injury offences

Offence and statutory references	Maximum penalty	Category 1 or 2 offence	Standard sentence	Statutory minimum non-parole period or sentence	Statutory minimum youth justice centre detention – young adult offender (18–20)	Category A or B serious youth offence	Serious offender offence (does not include all serious offender offences)
Intentionally causing serious injury in circumstances of gross violence <i>Crimes Act 1958</i> (Vic) s 15A; <i>Sentencing Act 1991</i> (Vic) s 10, sch 1	25 years	Category 1 Committed on/after 20 March 2017		4 years' non-parole period		Category A (designated) Committed on/after 26 February 2018	Yes
Intentionally causing serious injury in circumstances of gross violence – emergency/custodial/youth justice worker on duty <i>Crimes Act 1958</i> (Vic) s 15A; <i>Sentencing Act 1991</i> (Vic) s 10AA, sch 1	25 years	Category 1 Committed on/after 28 October 2018		5 years' non-parole period Emergency worker: committed on/after 2 November 2014 Custodial officer: committed on/after 3 October 2016 Youth justice custodial worker: committed on/after 5 April 2018		Category A (designated) Committed on/after 26 February 2018	Yes

Offence and statutory references	Maximum penalty	Category 1 or 2 offence	Standard sentence	Statutory minimum non-parole period or sentence	Statutory minimum youth justice centre detention – young adult offender (18–20)	Category A or B serious youth offence	Serious offender offence (does not include all serious offender offences)
Recklessly causing serious injury in circumstances of gross violence <i>Crimes Act 1958</i> (Vic) s 15B; <i>Sentencing Act 1991</i> (Vic) ss 3, 10, sch 1	20 years	Category 1 Committed on/after 20 March 2017		4 years' non-parole period		Category B (designated) Committed on/after 26 February 2018	Yes
Recklessly causing serious injury in circumstances of gross violence – emergency/custodial/youth justice worker on duty <i>Crimes Act 1958</i> (Vic) s 15B; <i>Sentencing Act 1991</i> (Vic) s 10AA, sch 1	20 years	Category 1 Committed on/after 28 October 2018		5 years' non-parole period Emergency worker: committed on/after 2 November 2014 Custodial officer: committed on/after 3 October 2016 Youth justice custodial worker: committed on/after 5 April 2018		Category B (designated) Committed on/after 26 February 2018	Yes

Offence and statutory references	Maximum penalty	Category 1 or 2 offence	Standard sentence	Statutory minimum non-parole period or sentence	Statutory minimum youth justice centre detention – young adult offender (18–20)	Category A or B serious youth offence	Serious offender offence (does not include all serious offender offences)
Intentionally causing serious injury – emergency/custodial/youth justice worker on duty <i>Crimes Act 1958</i> (Vic) s 16; <i>Sentencing Act 1991</i> (Vic) ss 3, 10AA, sch 1	20 years	Category 1 Committed on/after 28 October 2018		3 years' non-parole period Emergency worker: committed on/after 2 November 2014 Custodial officer: committed on/after 3 October 2016 Youth justice custodial worker: committed on/after 5 April 2018	3 years Emergency worker: committed on/after 2 November 2014 Custodial officer: committed on/after 3 October 2016 Youth justice custodial worker: committed on/after 5 April 2018		Yes
Intentionally causing serious injury <i>Crimes Act 1958</i> (Vic) s 16; <i>Sentencing Act 1991</i> (Vic) s 3, sch 1	20 years	Category 2 Committed on/after 20 March 2017					Yes

Offence and statutory references	Maximum penalty	Category 1 or 2 offence	Standard sentence	Statutory minimum non-parole period or sentence	Statutory minimum youth justice centre detention – young adult offender (18–20)	Category A or B serious youth offence	Serious offender offence (does not include all serious offender offences)
Recklessly causing serious injury – emergency/custodial/youth justice worker on duty <i>Crimes Act 1958 (Vic) s 17; Sentencing Act 1991 (Vic) ss 3, 10AA, sch 1</i>	15 years	Category 1 Committed on/after 28 October 2018		2 years' non-parole period Emergency worker: committed on/after 2 November 2014 Custodial officer: committed on/after 3 October 2016 Youth justice custodial worker: committed on/after 5 April 2018	2 years Emergency worker: committed on/after 2 November 2014 Custodial officer: committed on/after 3 October 2016 Youth justice custodial worker: committed on/after 5 April 2018		Yes

Offence and statutory references	Maximum penalty	Category 1 or 2 offence	Standard sentence	Statutory minimum non-parole period or sentence	Statutory minimum youth justice centre detention – young adult offender (18–20)	Category A or B serious youth offence	Serious offender offence (does not include all serious offender offences)
Intentionally causing injury – emergency/custodial/youth justice worker on duty <i>Crimes Act 1958 (Vic) s 18; Sentencing Act 1991 (Vic) ss 3, 10AA</i>	10 years	Category 1 Committed on/after 28 October 2018		6 months' imprisonment Emergency worker: committed on/after 2 November 2014 Custodial officer: committed on/after 3 October 2016 Youth justice custodial worker: committed on/after 5 April 2018	6 months Emergency worker: committed on/after 2 November 2014 Custodial officer: committed on/after 3 October 2016 Youth justice custodial worker: committed on/after 5 April 2018		

Offence and statutory references	Maximum penalty	Category 1 or 2 offence	Standard sentence	Statutory minimum non-parole period or sentence	Statutory minimum youth justice centre detention – young adult offender (18–20)	Category A or B serious youth offence	Serious offender offence (does not include all serious offender offences)
Recklessly causing injury – emergency/custodial/youth justice worker on duty <i>Crimes Act 1958 (Vic) s 18; Sentencing Act 1991 (Vic) ss 3, 10AA</i>	5 years	Category 1 Committed on/after 28 October 2018		6 months' imprisonment Emergency worker: committed on/after 2 November 2014 Custodial officer: committed on/after 3 October 2016 Youth justice custodial worker: committed on/after 5 April 2018	6 months Emergency worker: committed on/after 2 November 2014 Custodial officer: committed on/after 3 October 2016 Youth justice custodial worker: committed on/after 5 April 2018		
Intentionally exposing emergency/custodial/youth justice worker on duty to risk by driving – causing injury <i>Crimes Act 1958 (Vic) s 317AC; Sentencing Act 1991 (Vic) ss 3, 10AE(1)</i>	20 years	Category 1 Committed on/after 28 October 2018		2 years' non-parole period Committed on/after 5 April 2018			

Offence and statutory references	Maximum penalty	Category 1 or 2 offence	Standard sentence	Statutory minimum non-parole period or sentence	Statutory minimum youth justice centre detention – young adult offender (18–20)	Category A or B serious youth offence	Serious offender offence (does not include all serious offender offences)
Aggravated intentionally exposing emergency/custodial/youth justice worker on duty to risk by driving – causing injury <i>Crimes Act 1958 (Vic) s 317AD; Sentencing Act 1991 (Vic) ss 3, 10AE(1)</i>	20 years	Category 1 Committed on/after 28 October 2018		2 years' non-parole period Committed on/after 5 April 2018			
Aggravated intentionally exposing emergency/custodial/youth justice worker on duty to risk by driving – no injury <i>Crimes Act 1958 (Vic) s 317AD; Sentencing Act 1991 (Vic) ss 3, 10AE(1)</i>	20 years	Category 2 Committed on/after 28 October 2018					
Aggravated recklessly exposing emergency/custodial/youth justice worker on duty to risk by driving <i>Crimes Act 1958 (Vic) s 317AF; Sentencing Act 1991 (Vic) s 3</i>	10 years	Category 2 Committed on/after 28 October 2018					
Discharging a firearm reckless to safety of a police officer/ protective services officer – where conduct created risk to physical safety of victim or any member of the public <i>Crimes Act 1958 (Vic) s 31C; Sentencing Act 1991 (Vic) s 3</i>	15 years	Category 2 Committed on/after 5 June 2019					

Offence and statutory references	Maximum penalty	Category 1 or 2 offence	Standard sentence	Statutory minimum non-parole period or sentence	Statutory minimum youth justice centre detention – young adult offender (18–20)	Category A or B serious youth offence	Serious offender offence (does not include all serious offender offences)
Common assault – where offence committed against police officer/ protective services officer with threat to use offensive weapon that does, or is likely to, cause apprehension or fear, if the assault included the direct application of force within the meaning of <i>assault</i> in section 31(2) of the <i>Crimes Act 1958</i> (Vic) <i>Crimes Act 1958</i> (Vic) ss 31, 320A; <i>Sentencing Act 1991</i> (Vic) s 3	10 years (15 years if weapon is a real or imitation firearm)	Category 2 Committed on/after 5 June 2019					

Table 3: Sexual offences

Offence and statutory references	Maximum penalty	Category 1 or 2 offence	Standard sentence	Statutory minimum non-parole period or sentence	Statutory minimum youth justice centre detention – young adult offender (18–20)	Category A or B serious youth offence	Serious offender offence (does not include all serious offender offences)
Rape <i>Crimes Act 1958</i> (Vic) s 38; <i>Sentencing Act 1991</i> (Vic) s 3, sch 1	25 years	Category 1 Committed on/ after 20 March 2017	10 years Committed on/ after 1 February 2018			Category B Committed on/after 26 February 2018	Yes
Rape by compelling sexual penetration <i>Crimes Act 1958</i> (Vic) s 39; <i>Sentencing Act 1991</i> (Vic) s 3, sch 1	25 years	Category 1 Committed on/ after 20 March 2017				Category B Committed on/after 26 February 2018	Yes (if the victim is a child)
Sexual penetration of a child under the age of 12 <i>Crimes Act 1958</i> (Vic) s 49A; <i>Sentencing Act 1991</i> (Vic) s 3, sch 1	25 years	Category 1 Committed on/ after 20 March 2017	10 years Committed on/ after 1 February 2018				Yes
Sexual penetration of a child under the age of 16 <i>Crimes Act 1958</i> (Vic) s 49B; <i>Sentencing Act 1991</i> (Vic) s 3, sch 1	15 years		6 years Committed on/ after 1 February 2018				Yes
Sexual assault of a child under the age of 16 <i>Crimes Act 1958</i> (Vic) s 49D; <i>Sentencing Act 1991</i> (Vic) s 3, sch 1	10 years		4 years Committed on/ after 1 February 2018				Yes

Offence and statutory references	Maximum penalty	Category 1 or 2 offence	Standard sentence	Statutory minimum non-parole period or sentence	Statutory minimum youth justice centre detention – young adult offender (18–20)	Category A or B serious youth offence	Serious offender offence (does not include all serious offender offences)
Sexual activity in the presence of a child under the age of 16 <i>Crimes Act 1958 (Vic) s 49F;</i> <i>Sentencing Act 1991 (Vic) s 3, sch 1</i>	10 years		4 years Committed on/after 1 February 2018				Yes
Causing a child under the age of 16 to be present during sexual activity <i>Crimes Act 1958 (Vic) s 49H;</i> <i>Sentencing Act 1991 (Vic) s 3, sch 1</i>	10 years		4 years Committed on/after 1 February 2018				Yes
Persistent sexual abuse of a child under the age of 16 <i>Crimes Act 1958 (Vic) s 49J;</i> <i>Sentencing Act 1991 (Vic) s 3, sch 1</i>	25 years	Category 1 Committed on/after 20 March 2017	10 years Committed on/after 1 February 2018				Yes
Sexual penetration of a child or lineal descendant – victim under 18 <i>Crimes Act 1958 (Vic) s 50C;</i> <i>Sentencing Act 1991 (Vic) s 3, sch 1</i>	25 years	Category 1 Committed on/after 20 March 2017	10 years Committed on/after 1 February 2018				Yes
Sexual penetration of a stepchild – victim under 18 <i>Crimes Act 1958 (Vic) s 50D;</i> <i>Sentencing Act 1991 (Vic) s 3, sch 1</i>	25 years	Category 1 Committed on/after 20 March 2017	10 years Committed on/after 1 February 2018				Yes

Table 4: Drug offences

Offence and statutory references	Maximum penalty	Category 1 or 2 offence	Standard sentence	Statutory minimum non-parole period or sentence	Statutory minimum youth justice centre detention – young adult offender (18–20)	Category A or B serious youth offence	Serious offender offence (does not include all serious offender offences)
Trafficking a large commercial quantity of a drug of dependence <i>Drugs, Poisons and Controlled Substances Act 1981 (Vic) s 71; Sentencing Act 1991 (Vic) s 3, sch 1</i>	Life	Category 1 Committed on/after 20 March 2017	16 years Committed on/after 1 February 2018				Yes
Trafficking a commercial quantity of a drug of dependence <i>Drugs, Poisons and Controlled Substances Act 1981 (Vic) s 71AA(1); Sentencing Act 1991 (Vic) s 3, sch 1</i>	25 years	Category 2 Committed on/after 20 March 2017					Yes
Trafficking a commercial quantity of a drug of dependence for the benefit of a criminal organisation <i>Drugs, Poisons and Controlled Substances Act 1981 (Vic) s 71AA(2); Sentencing Act 1991 (Vic) s 3, sch 1</i>	Life	Category 1 Committed on/after 5 June 2019					Yes

Offence and statutory references	Maximum penalty	Category 1 or 2 offence	Standard sentence	Statutory minimum non-parole period or sentence	Statutory minimum youth justice centre detention – young adult offender (18–20)	Category A or B serious youth offence	Serious offender offence (does not include all serious offender offences)
Cultivating a large commercial quantity of a narcotic plant <i>Drugs, Poisons and Controlled Substances Act 1981 (Vic) s 72; Sentencing Act 1991 (Vic) s 3, sch 1</i>	Life	Category 1 Committed on/after 20 March 2017					Yes
Cultivating a commercial quantity of a narcotic plant <i>Drugs, Poisons and Controlled Substances Act 1981 (Vic) s 72A; Sentencing Act 1991 (Vic) s 3, sch 1</i>	25 years	Category 2 Committed on/after 20 March 2017					Yes

Table 5: Robbery/kidnapping and related offences

Offence and statutory references	Maximum penalty	Category 1 or 2 offence	Standard sentence	Statutory minimum non-parole period or sentence	Statutory minimum youth justice centre detention – young adult offender (18–20)	Category A or B serious youth offence	Serious offender offence (does not include all serious offender offences)
Kidnapping <i>Crimes Act 1958</i> (Vic) s 63A; <i>Sentencing Act 1991</i> (Vic) s 3, sch 1	25 years	Category 2 Committed on/after 20 March 2017					Yes
Kidnapping – common law <i>Crimes Act 1958</i> (Vic) s 320; <i>Sentencing Act 1991</i> (Vic) s 3, sch 1	25 years	Category 2 Committed on/after 20 March 2017					Yes
Armed robbery – if firearm used, or injury occurs, or more than one offender <i>Crimes Act 1958</i> (Vic) s 75A; <i>Sentencing Act 1991</i> (Vic) s 3	25 years	Category 2 Committed on/after 28 October 2018					
Home invasion <i>Crimes Act 1958</i> (Vic) s 77A; <i>Sentencing Act 1991</i> (Vic) s 3	25 years	Category 2 Committed on/after 28 October 2018				Category B (designated) Committed on/after 26 February 2018	

Offence and statutory references	Maximum penalty	Category 1 or 2 offence	Standard sentence	Statutory minimum non-parole period or sentence	Statutory minimum youth justice centre detention – young adult offender (18–20)	Category A or B serious youth offence	Serious offender offence (does not include all serious offender offences)
Aggravated home invasion <i>Crimes Act 1958 (Vic) s 77B;</i> <i>Sentencing Act 1991 (Vic) ss 3, 10AC</i>	Life	Category 1 Committed on/after 28 October 2018		3 years' non-parole period		Category A (designated) Committed on/after 26 February 2018	
Carjacking <i>Crimes Act 1958 (Vic) s 79;</i> <i>Sentencing Act 1991 (Vic) s 3</i>	15 years	Category 2 Committed on/after 28 October 2018				Category B Committed on/after 26 February 2018	
Aggravated carjacking <i>Crimes Act 1958 (Vic) s 79A;</i> <i>Sentencing Act 1991 (Vic) ss 3, 10AD</i>	Life	Category 1 Committed on/after 28 October 2018		3 years' non-parole period		Category A (designated) Committed on/after 26 February 2018	

Table 6: Terrorism offences

Offence and statutory references	Maximum penalty	Category 1 or 2 offence	Standard sentence	Statutory minimum non-parole period or sentence	Statutory minimum youth justice centre detention – young adult offender (18–20)	Category A or B serious youth offence	Serious offender offence (does not include all serious offender offences)
Providing documents or information facilitating terrorist acts <i>Terrorism (Community Protection) Act 2003 (Vic) s 4B(1); Sentencing Act 1991 (Vic) s 3</i>	10 years	Category 2 Committed on/after 20 March 2017				Category A Committed on/after 30 November 2018	

Table 7: Contravention offences

Offence and statutory references	Maximum penalty	Category 1 or 2 offence	Standard sentence	Statutory minimum non-parole period or sentence	Statutory minimum youth justice centre detention – young adult offender (18–20)	Category B or B serious youth offence	Serious offender offence (does not include all serious offender offences)
Contravene supervision order or interim supervision order – intentionally or recklessly contravene a restrictive condition of supervision order or interim supervision order <i>Serious Offender Act 2018 (Vic) s 169; Sentencing Act 1991 (Vic) s 10AB</i>	5 years			12 months' imprisonment			

Category 1 and 2 offences

For **category 1 offences**, a court must make an order under Division 2 of Part 3 ('Custodial orders') of the *Sentencing Act 1991* (Vic).

Relevant orders under Division 2 of Part 3 include:

- imprisonment
- drug and alcohol treatment orders and
- youth justice custodial orders.

While a combined order (involving a term of imprisonment of up to 12 months *and* a community correction order, pursuant to section 44) is normally a custodial order under Division 2 of Part 3, courts are prohibited from imposing a combined order for category 1 offences (section 5(2G)). Courts are also prohibited from imposing drug and alcohol treatment orders for certain category 1 offences (section 18Z(2B)).

There are, however, certain category 1 offences for which a court may impose a sentence other than a custodial order if special reasons exist (under section 10A of the *Sentencing Act 1991* (Vic)). In particular, if special reasons exist (see **Statutory minimum sentences**, page 22) and the category 1 offence is a specified offence, a court may impose either a custodial order or one of the following (section 5(2GA)):

- a mandatory treatment and monitoring order, whether or not a sentence of imprisonment is also imposed (section 44A)
- a residential treatment order (section 82AA(1)) or
- a court secure treatment order (section 94A).

The specified offences are particular offences against emergency or custodial workers on duty as outlined in section 5(2GA) of the *Sentencing Act 1991* (Vic). The above-mentioned orders are available only if:

- i. the offender proves on the balance of probabilities that, at the time of the commission of the offence, they had impaired mental functioning (that was not substantially caused by self-induced intoxication) that is causally linked to the commission of the offence and substantially and materially reduces the offender's culpability and
- ii. the court is satisfied that a mandatory treatment and monitoring order, a residential treatment order or a court secure treatment order, as the case requires, is appropriate.

In considering whether such orders are available to the court in respect of the specified offences, the court must also consider parliament's intention that certain

manslaughter offences and certain offences committed against emergency or custodial workers should ordinarily receive sentences of imprisonment and terms in accordance with the statutory minimum sentence scheme.

In addition to the offences described in Tables 1 to 7, category 1 offences include several historical sexual offences repealed by the *Crimes Amendment (Sexual Offences) Act 2016* (Vic), if the offences were committed between 20 March 2017 and 30 June 2017:

- section 44(1) – incest with the person’s child, other lineal descendant or stepchild, if the victim was, at the time of the offence, under the age of 18
- section 44(2) – incest with a child, other lineal descendant or stepchild under the age of 18, of the person’s de facto spouse
- section 45(1) – sexual penetration of a child under the age of 16, committed in the circumstance of aggravation described in section 45(2)(a) of the *Crimes Act 1958* (Vic) as then in force and
- section 47A(1) – persistent sexual abuse of a child under the age of 16.

For **category 2 offences**, a court must make an order under Division 2 of Part 3 (‘Custodial orders’) – and **cannot** make a combined order (imprisonment and a community correction order) – unless specific circumstances exist under section 5(2H) of the *Sentencing Act 1991* (Vic). Courts are also prohibited from imposing drug and alcohol treatment orders for certain category 2 offences (section 18Z(2B)). For offending committed on or after 28 October 2018, special reasons not to impose a custodial order for a category 2 offence have been restricted to circumstances where:

- the offender has assisted or has given an undertaking to assist, after sentencing, law enforcement authorities in the investigation or prosecution of an offence or
- the offender proves on the balance of probabilities that:
 - at the time of the commission of the offence, they had impaired mental functioning (that was not substantially caused by self-induced intoxication) that is causally linked to the commission of the offence and substantially and materially reduces the offender’s culpability or
 - they have impaired mental functioning that would result in being subject to burdens or risks of imprisonment substantially and materially greater than the ordinary or
- the court proposes to make a court secure treatment order or a residential treatment order in respect of the offender or
- there are substantial and compelling circumstances that are exceptional and rare and that justify not making an order under Division 2 of Part 3.

In determining whether ‘substantial and compelling circumstances’ exist, the court must:

- regard general deterrence and denunciation of the offender’s conduct as having greater importance than the other purposes set out in section 5(1) and
- give less weight to the personal circumstances of the offender than to other matters such as the nature and gravity of the offence and
- not have regard to:
 - the offender’s previous good character (other than an absence of previous convictions or findings of guilt) or
 - an early guilty plea or
 - prospects of rehabilitation or
 - parity with other sentences and
- have regard to parliament’s intention that a sentence of imprisonment should ordinarily be imposed and whether the cumulative impact of the circumstances justify a departure from such a sentence.

Standard sentences

Standard sentences apply to prescribed offences if committed on or after 1 February 2018 by an offender aged 18 or over. It does not apply if the offence is heard and determined summarily.

For **standard sentence** offences, the court must consider the standard sentence as a guidepost, representing the sentence for an offence in the middle of the range of seriousness, only having regard to factors related to the offending and not the offender.

The standard sentence is one factor to be considered among all others; it does not create two-stage sentencing nor remove the approach to sentencing known as *instinctive (or intuitive) synthesis*.

The court must state how the sentence imposed on a standard sentence offence relates to the prescribed standard sentence.

Non-parole periods for cases including standard sentence offences

In any case that includes a standard sentence offence committed on or after 1 February 2018, the court must fix a non-parole period of at least:

- 30 years if the total effective sentence is a term of life imprisonment or
- 70% of the total effective sentence if that total effective sentence is 20 years' imprisonment or more or
- 60% of the total effective sentence if that total effective sentence is less than 20 years' imprisonment –

unless the court considers that it is in the interests of justice not to do so.

Statutory minimum sentences

A court must impose a statutory minimum sentence or non-parole period for certain offences committed by an offender aged 18 years or over unless a special reason exists (under section 10A of the *Sentencing Act 1991* (Vic)).

A special reason not to impose a statutory minimum sentence or non-parole period exists if:

- the offender has assisted or has given an undertaking to assist, after sentencing, law enforcement authorities in the investigation or prosecution of an offence or
- the offender proves on the balance of probabilities that:
 - at the time of the commission of the offence, they had impaired mental functioning (that was not caused substantially by self-induced intoxication) that is causally linked to the commission of the offence and substantially and materially reduces the offender's culpability or
 - they have impaired mental functioning that would result in being subject to burdens or risks of imprisonment substantially and materially greater than the ordinary or
- the court proposes to make a court secure treatment order or a residential treatment order in respect of the offender or
- there are substantial and compelling circumstances that are exceptional and rare and that justify not imposing the statutory minimum.

In determining whether ‘substantial and compelling circumstances’ exist, the court must:

- regard general deterrence and denunciation of the offender’s conduct as having greater importance than the other purposes set out in section 5(1) and
- give less weight to the personal circumstances of the offender than to other matters such as the nature and gravity of the offence and
- not have regard to:
 - the offender’s previous good character (other than an absence of previous convictions or findings of guilt) or
 - an early guilty plea or
 - prospects of rehabilitation or
 - parity with other sentences and
- have regard to parliament’s intention that a sentence of imprisonment should ordinarily be imposed and that a sentence or non-parole period of not less than the relevant statutory minimum should ordinarily be imposed, and whether the cumulative impact of the circumstances justify a departure from such a sentence.

The court must also state, in writing, the special reason not to impose the statutory minimum.

Statutory minimums may apply to manslaughter in circumstances of gross violence and by single punch or strike *only* if the prosecution gives the defendant notice that, if the defendant is found guilty, the prosecution will seek a sentence in accordance with the statutory minimum (under section 9A of the *Sentencing Act 1991* (Vic)).

Statutory minimums *do not* apply to offences of manslaughter by single punch or strike, or causing serious injury (in circumstances of gross violence) if the offender’s involvement was one of intentionally assisting, encouraging or directing the commission of the offence. Similarly, for causing injury or serious injury to emergency or custodial workers on duty, statutory minimums do not apply if the offender’s involvement was one of intentionally assisting, encouraging or directing the commission of the offence, *and* the offender proves on the balance of probabilities that their involvement was minor.

Statutory minimum youth justice custodial orders: young offenders aged 18 to 20

For a select number of causing injury offences committed by a young offender (aged 18 years or over but under 21 years at the time of sentencing) against emergency or custodial workers on duty, the court may impose a **minimum term of youth justice custodial centre detention** in lieu of a **statutory minimum non-parole period** (under section 10AA of the *Sentencing Act 1991* (Vic)) if the court finds:

- a special reason under section 10A of the *Sentencing Act 1991* (Vic) does not exist and
- a pre-sentence report indicates, and the court believes, that:
 - there are reasonable prospects for the rehabilitation of the young offender or
 - the young offender is particularly impressionable, immature or likely to be subjected to undesirable influences in an adult prison.

Serious offender provisions

The serious offender provisions in Part 2A of the *Sentencing Act 1991* (Vic) apply when a court is sentencing:

- a serious sexual offender for a sexual or a violent offence or
- a serious violent offender for a serious violent offence or
- a serious drug offender for a drug offence or
- a serious arson offender for an arson offence.

A person will fall within one of these categories if they have previously received a term of imprisonment or youth detention (even within the same hearing) for a charge (or, for some offences, at least two charges) of the relevant offence. The serious offender provisions do not apply to the sentencing of young offenders.

When sentencing a serious offender for a relevant offence, if a term of imprisonment is imposed, the court, in determining the length of that sentence:

- must regard the protection of the community from the offender as the principal purpose for which the sentence is imposed and
- may impose a sentence longer than that which is proportionate to the gravity of the offence considered in light of its objective circumstances, in order to achieve that purpose.

Every term of imprisonment imposed on a serious offender for a relevant offence must be served cumulatively on any uncompleted sentence of imprisonment, unless the court orders otherwise.

Category A and B serious youth offences

If an offence is a category A or B serious youth offence, this can affect the jurisdiction in which particular offences must or may be heard (either the Children's Court or the higher courts), and it can also affect what sentence must or may be imposed.

Sentencing provisions relating to category A and B serious youth offences

The provisions relating to what sentences must or may be imposed for category A and B serious youth offences came into effect on 26 February 2018, in section 32 of the *Sentencing Act 1991* (Vic). They have not been affected by either the *Youth Justice Act 2024* (Vic) or the *Justice Legislation (Community Safety) Act 2025* (Vic).

If a young offender in an adult court is to be sentenced for a **category A serious youth offence** under the *Sentencing Act 1991* (Vic), and the court considers a custodial sentence is justified, a court must *not* make a youth justice custodial order in respect of the young offender unless the court is satisfied that exceptional circumstances exist.

If:

- a young offender is to be sentenced for a category B serious youth offence in an adult court under the *Sentencing Act 1991* (Vic)
- the court has decided to impose a custodial sentence on the young offender and
- the young offender has previously been convicted of another offence that is a category A serious youth offence or a category B serious youth offence –

then a court must *not* make a youth justice custodial order (and instead must impose a sentence of adult imprisonment) unless the court is satisfied that exceptional circumstances exist.

Further, the Children's Court is ordinarily prohibited from imposing a sentence of detention on a child aged under 14 at the time of the offence (section 324 of the *Youth Justice Act 2024* (Vic)). The court can, however, impose a sentence of detention in such instances if the offence is a category A or B serious youth offence and the court is reasonably satisfied that the child presents a serious risk to community safety.

Jurisdictional provisions

The provisions relating to which jurisdiction may or must hear cases involving category A and B serious youth offences first came into effect on 5 April 2018 under the *Children, Youth and Families Act 2005* (Vic). They were then amended on 27 February 2026 by the *Justice Legislation Amendment (Community Safety) Act 2025* (Vic). The jurisdictional provisions for designated offences apply to decisions about summary jurisdiction made on or after 27 February 2026.

Designated category A and B serious youth offences

There are five category A and B offences that are classified as ‘designated offences’. These are:

- intentionally causing serious injury in circumstances of gross violence
- recklessly causing serious injury in circumstances of gross violence
- aggravated home invasion
- aggravated carjacking
- home invasion.

The Children’s Court does not have jurisdiction to hear and determine proceedings for a designated offence committed by a child aged 15 years or over (section 156(1)(a)(va) of the *Youth Justice Act 2024* (Vic)).

Where a child is charged with a designated offence committed while aged 14 years, section 157A of the *Youth Justice Act 2024* (Vic) requires the charge to be heard and determined by the higher courts unless:

- the child or the prosecution requests that the charge be heard and determined summarily and
- the Children’s Court is satisfied that the sentencing options available to it under the *Youth Justice Act 2024* (Vic) are adequate to respond to the child’s offending and
- any of the following applies:
 - it is in the interests of the victim or victims that the charge be heard and determined summarily
 - the accused is particularly vulnerable because of cognitive impairment or mental illness or
 - there is a substantial and compelling reason why the charge should be heard and determined summarily.

In determining whether there is a substantial and compelling reason why a charge should be heard and determined summarily, the Children's Court must have regard to parliament's intention that a designated offence committed by a child aged 14 should not normally be heard and determined summarily (section 157A(2) of the *Youth Justice Act 2024* (Vic)).

Non-designated category A and B serious youth offences

There are seven category A serious youth offences that are not designated offences, but which nonetheless must be uplifted from the Children's Court to the higher courts (section 156(1)(a) of the *Youth Justice Act 2024* (Vic)):

- murder
- attempted murder
- manslaughter
- child homicide
- homicide by firearm
- arson causing death
- culpable driving causing death.

Additionally, if a child aged 14 or over is charged with the category B serious youth offence of carjacking, section 157B of the *Youth Justice Act 2024* (Vic) requires the charge to be heard and determined in the higher courts unless:

- the child or the prosecution requests that the charge be heard and determined summarily and
- the Children's Court is satisfied that the sentencing options available to it under the *Youth Justice Act 2024* (Vic) are adequate to respond to the child's offending and
- any of the following applies:
 - it is in the interests of the victim or victims that the charge be heard and determined summarily
 - the accused is particularly vulnerable because of cognitive impairment or mental illness or
 - there is a substantial and compelling reason why the charge should be heard and determined summarily.

In determining whether there is a substantial and compelling reason why a charge of carjacking should be heard and determined summarily, the Children's Court must have regard to parliament's intention that a charge for this offence committed by a child aged 14 or over should not normally be heard and determined summarily (section 157B(2) of the *Youth Justice Act 2024* (Vic)).

The remaining non-designated category A and B serious youth offences include:

- certain Victorian and Commonwealth terrorism offences
- rape
- rape by compelling penetration.

These offences must be dealt with in the Children's Court unless the child objects to the charge being heard in the Children's Court, exceptional circumstances exist, or the child is committed for trial to the higher courts on another related offence (sections 156(1)(b)–(d) of the *Youth Justice Act 2024* (Vic)).

One of the reasons there may be exceptional circumstances that render a charge for these offences unsuitable to be heard and determined summarily is that the sentencing options available to the Children's Court are considered inadequate to respond to the child's alleged offending. In determining whether the sentencing options available are adequate or not, section 158 of the *Youth Justice Act 2024* (Vic) requires the Children's Court to consider:

- the seriousness of the alleged conduct, including the impact on any victims of the conduct and the role of the accused in the conduct
- the nature of the offence concerned
- the age, maturity and stage of development of the child, and any disability or mental illness of the child, at the time of the alleged commission of the offence and the time of sentencing
- the seriousness, nature and number of any prior offences committed by the child
- whether the alleged offence was committed while the child was in youth justice custody, on parole or in contravention of an order made under the Act
- any other matter the court considers relevant.

Table 8 summarises the jurisdictional presumption applicable to category A and B serious youth offences, by age, as at **30 September 2026**.

Table 8: Jurisdictional provisions relating to category A and B serious youth offences, by age at date of alleged offence

Offence	Designated?	Jurisdictional requirement or presumption by age at date of offence				
		Aged under 14	Age 14	Age 15	Age 16	Age 17
Category A offences						
Murder	No	Mandatory uplift	Mandatory uplift	Mandatory uplift	Mandatory uplift	Mandatory uplift
Attempted murder	No	Mandatory uplift	Mandatory uplift	Mandatory uplift	Mandatory uplift	Mandatory uplift
Manslaughter	No	Mandatory uplift	Mandatory uplift	Mandatory uplift	Mandatory uplift	Mandatory uplift
Child homicide	No	Mandatory uplift	Mandatory uplift	Mandatory uplift	Mandatory uplift	Mandatory uplift
Homicide by firearm	No	Mandatory uplift	Mandatory uplift	Mandatory uplift	Mandatory uplift	Mandatory uplift
Arson causing death	No	Mandatory uplift	Mandatory uplift	Mandatory uplift	Mandatory uplift	Mandatory uplift
Culpable driving causing death	No	Mandatory uplift	Mandatory uplift	Mandatory uplift	Mandatory uplift	Mandatory uplift
Terrorism-related offences	No	Varies	Varies	Varies	Varies	Varies
Intentionally cause serious injury (gross violence)	Yes	Presumptive no uplift	Presumptive uplift	Mandatory uplift	Mandatory uplift	Mandatory uplift
Aggravated home invasion	Yes	Presumptive no uplift	Presumptive uplift	Mandatory uplift	Mandatory uplift	Mandatory uplift
Aggravated carjacking	Yes	Presumptive no uplift	Presumptive uplift	Mandatory uplift	Mandatory uplift	Mandatory uplift
Category B offences						
Recklessly cause serious injury (gross violence)	Yes	Presumptive no uplift	Presumptive uplift	Mandatory uplift	Mandatory uplift	Mandatory uplift
Home invasion	Yes	Presumptive no uplift	Presumptive uplift	Mandatory uplift	Mandatory uplift	Mandatory uplift
Rape	No	Presumptive no uplift	Presumptive no uplift	Presumptive no uplift	Presumptive no uplift	Presumptive no uplift
Rape by compelling sexual penetration	No	Presumptive no uplift	Presumptive no uplift	Presumptive no uplift	Presumptive no uplift	Presumptive no uplift
Carjacking	No	Presumptive no uplift	Presumptive uplift	Presumptive uplift	Presumptive uplift	Presumptive uplift

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