



**Children's Court
of Victoria**

**PRACTICE DIRECTION
No. 1 of 2026**

This Practice Direction is issued pursuant to Section 592 of the *Children, Youth and Families Act 2005*.

Practice Direction No. 2 of 2018 dated 3 April 2018 is revoked.

1. This Practice Direction establishes the listing requirements where the Children's Court of Victoria has–

- (a) no summary jurisdiction; or
- (b) restricted summary jurisdiction–

and where a child is alleged to have committed any of the relevant offences **on or after 27 February 2026**.¹

2. Where a child is charged with any of the following offences:

- (a) Murder
- (b) Attempted murder
- (c) Manslaughter
- (d) Child homicide
- (e) Homicide by firearm
- (f) Arson causing death
- (g) Culpable driving

the proceeding **must be listed for a filing hearing** at the Melbourne Children's Court in accordance with paragraphs 5 or 6 and 7.

¹ Any reference to a charge against a child of a certain age means their age at the date of alleged offending.

3. Where a child aged 14 – 17 is charged with any of the following offences:

- (a) Causing serious injury intentionally in circumstances of gross violence
- (b) Causing serious injury recklessly in circumstances of gross violence
- (c) Home invasion
- (d) Aggravated home invasion
- (e) Aggravated carjacking
- (f) Carjacking

or where a child aged 16-17 is charged with relevant terrorism or foreign incursion offences², the proceeding **must be listed for a filing hearing** at the Melbourne Children’s Court in accordance with paragraphs 5 or 6 and 7.

4. Where a child aged 16 or 17 is charged with rape (*Crimes Act* s.38) or rape by compelling sexual penetration (*Crimes Act* s.39)³, the charge will be managed at the proper venue of the Court.

Timing of Filing Hearings

- 5. Where a child is **remanded in custody or granted bail**, the filing hearing **must be listed within 7 days** of the child being charged.
- 6. Where a child is **served with a summons**, the filing hearing **must be listed within 28 days** of the charge being filed.

Attendance Requirements

- 7. Subject to the Court’s discretion, for a filing hearing listed at Melbourne Children’s Court:
 - (a) A child who is in custody or is currently located in metropolitan Melbourne⁴ must appear in person.
 - (b) A child who is in custody or is currently located outside metropolitan Melbourne may appear online by both audio and visual link.⁵

² As listed in the definition of *Category A serious youth offence* in s.3(1)(f) of the CYFA.

³ These two offences are referred to in paragraphs (b) & (c) of the definition of *Category B serious youth offence* in s.3(1) of the CYFA.

⁴ As in accordance with Practice Direction No. 2 of 2025.

⁵ S.42G *Evidence (Miscellaneous Provisions) Act* 1958 technical requirements for audio visual links.

(c) When a child appears in person both their lawyer and the prosecutor must also attend in person.

8. At subsequent hearings the parties are to attend as directed by the Court.

Committal Mentions, bail applications and/or mentions

9. Committal Mentions, bail applications and/or mentions for matters listed in paragraphs 2 and/or 3 are to be listed on a Wednesday at the Melbourne Children's Court.

This Practice Direction commences on 27 February 2026.



Judge Jack Vandersteen
President
Children's Court of Victoria
16 February 2026

TABLE

| Mandatory uplift to a higher court | |
|--|---|
| Child charged with death-related offence | Murder |
| | Attempted murder |
| | Manslaughter |
| | Child homicide |
| | Arson causing death (<i>Crimes Act</i> s.197A) |
| | Culpable driving causing death (<i>Crimes Act</i> s.318) |
| Child aged 15-17 charged with designated offence | Intentionally causing serious injury in circumstances of gross violence (<i>Crimes Act 1958</i> s.15A) |
| | Recklessly causing serious injury in circumstances of gross violence (<i>Crimes Act 1958</i> s.15B) |
| | Home invasion (<i>Crimes Act</i> s.77A) |
| | Aggravated home invasion (<i>Crimes Act</i> s.77B) |
| | Aggravated carjacking (<i>Crimes Act</i> s.79A) |
| Presumption of uplift to a higher court | |
| Child aged 14 charged with designated offence | Intentionally causing serious injury in circumstances of gross violence (<i>Crimes Act 1958</i> s.15A) |
| | Recklessly causing serious injury in circumstances of gross violence (<i>Crimes Act 1958</i> s.15B) |
| | Home invasion (<i>Crimes Act</i> s.77A) |
| | Aggravated home invasion (<i>Crimes Act</i> s.77B) |
| | Aggravated carjacking (<i>Crimes Act</i> s.79A) |
| Child charged 14-17 | Carjacking (<i>Crimes Act</i> s.79) |
| Child aged 16 years or over | <ul style="list-style-type: none"> • Terrorism offences • Foreign incursion offences as listed in paragraph (f) of the definition of Category A serious youth offence in s.3(1) CYFA |
| Uplift to a higher court if exceptional circumstances exist | |
| Child aged 16 years or over | <ul style="list-style-type: none"> • Rape (<i>Crimes Act</i> s.38) • Rape by compelling sexual penetration (<i>Crimes Act</i> s.39) as listed in paragraph (b) or (c) of the definition of Category B serious youth offence in s.3(1) CYFA |