



**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.<sup>1</sup>**

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.

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<sup>1</sup> 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 offences<sup>2</sup>, 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)<sup>3</sup>, 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 Melbourne<sup>4</sup> 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.<sup>5</sup>

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

<sup>3</sup> 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.

<sup>4</sup> As in accordance with Practice Direction No. 2 of 2025.

<sup>5</sup> 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

| <b>Mandatory uplift to a higher court</b>                          |  |
|--|--|
| 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</i> 1958 s.15A)  |
|  | Recklessly causing serious injury in circumstances of gross violence ( <i>Crimes Act</i> 1958 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)   |
|  |  |
| <b>Presumption of uplift to a higher court</b>                     |  |
| Child aged 14 charged with designated offence                      | Intentionally causing serious injury in circumstances of gross violence ( <i>Crimes Act</i> 1958 s.15A)  |
|  | Recklessly causing serious injury in circumstances of gross violence ( <i>Crimes Act</i> 1958 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"> <li>• Terrorism offences</li> <li>• Foreign incursion offences</li> </ul> <p>as listed in paragraph (f) of the definition of <b>Category A serious youth offence</b> in s.3(1) CYFA</p>   |
| <b>Uplift to a higher court if exceptional circumstances exist</b> |  |
| Child aged 16 years or over  | <ul style="list-style-type: none"> <li>• Rape (<i>Crimes Act</i> s.38)</li> <li>• Rape by compelling sexual penetration (<i>Crimes Act</i> s.39)</li> </ul> <p>as listed in paragraph (b) or (c) of the definition of <b>Category B serious youth offence</b> in s.3(1) CYFA</p> |