

IN THE CHILDREN'S COURT OF VICTORIA

AT MELBOURNE

CRIMINAL DIVISION

COMMONWEALTH DIRECTOR OF PUBLIC PROSECUTIONS

v

QXJ (a pseudonym)

JUDGE: HIS HONOUR JUDGE VANDERSTEEN

DATE OF HEARING: 23 May 2026

DATE OF REASONS: 5 June 2026

CASE MAY BE CITED AS: CDPP v QXJ (a pseudonym) [2026] VChC 1

Catchwords: Children's Court – Criminal Division – application under s 356(3) *Children, Youth and Families Act 2005* (Vic) – whether charges unsuitable for summary determination by reason of exceptional circumstances – alleged attempted aircraft hijacking – possession of firearms, ammunition, incendiary devices and simulated explosive – premeditated offending in high-risk aviation environment – exposure of large number of passengers and crew to potential catastrophic harm – seriousness and objective gravity – maximum penalties including life imprisonment – adequacy of sentencing options in Children's Court – limitation to youth justice detention – consideration of s 356A factors – mental impairment defence raised – complex psychiatric and neuropsychological evidence – youth, no prior offending, vulnerability and rehabilitation considerations – relevance of general deterrence to assessment of adequacy of sentencing options – overall administration of justice – whether superior court forum required – exceptional circumstances established.

Legislation Cited: *Children, Youth and Families Act 2005* (Vic) ss 356(3), 356A; *Firearms Act 1996* (Vic) s 7C(1); *Control of Weapons Act 1990* (Vic) s 6(1); *Crimes (Aviation) Act 1991* (Cth) ss 13(1), 16(3), 19(1), 20(1), 20A(1); *Criminal Code* (Cth) s 11.1; *Crimes (Mental Impairment and Unfitness to be Tried) Act 1997* (Vic) s 38I

Cases Cited: *K v Children's Court of Victoria & Anor* [2015] VSC 645; *Marks v The Queen* [2019] VSCA 253; *R v Robinson* [2004] VSC 505; *CNK v The Queen* [2011] VSCA 227; *Bradley Webster v The Queen* [2016] VSCA 6

APPEARANCES

Prosecution: Mr O.P. Holdenson KC & Mr M.N.Keks

Defence: Mr P. Doyle SC & Ms A. Brennan

HIS HONOUR:

Application

1. This is an application by the Commonwealth Director of Public Prosecutions (CDPP) pursuant to s 356(3) of the *Children, Youth and Families Act 2005* (Vic) (*CYFA*) to conduct a committal hearing into the charges before the Court.
2. The CDPP submits the charges are unsuitable by reason of exceptional circumstances to be determined summarily.
3. QXJ opposes the application.

Charges

4. QXJ faces 8 charges:
 - a) Possession of a traffickable quantity of firearms contrary to s 7C(1) of the *Firearms Act 1996* (Vic) (charge 9)
 - b) Possession of a controlled weapon without lawful excuse contrary to s 6(1) of the *Control of Weapons Act 1990* (Vic) (police charge 11)
 - c) Assaulting crew contrary to s 20A(1) of the *Crimes (Aviation) Act 1991* (Cth) (police charge 13)
 - d) Attempted hijacking contrary to s 13(1) *Crimes (Aviation) Act 1991* and s 11.1 of the *Criminal Code* (Cth) (police charge 14)
 - e) Prejudicing the safe operation of an aircraft contrary to s 20(1) of the *Crimes (Aviation) Act 1991* (Cth) (police charge 15)

- f) Intimidate member of an aircraft crew contrary to s 20A(1) of the *Crimes (Aviation) Act 1991* (Cth) (police charge 16)
- g) Intent to prejudice safe operation of an aircraft contrary to s 19(1) of the *Crimes (Aviation) Act 1991* (Cth) (police charge 17)
- h) Attempted to take control of an aircraft by threat/person on board contrary to s 16(3) of the *Crimes (Aviation) Act 1991* and s 11.1 of the *Criminal Code* (Cth) (Cth) (police charge 18).

The remaining charges have been withdrawn by the prosecution.

- 5. The maximum penalties are:
 - a) charge 9, imprisonment for 10 years/1200 pu.
 - b) charge 11, imprisonment for 1 year/120 pu.
 - c) charge 13 & 16, imprisonment for 10 years
 - d) charges 17 & 18, imprisonment for 20 years
 - e) charges 14 & 15, imprisonment for life.
- 6. Charge 11 is a summary offence.
- 7. All remaining charges are indictable.

Applicable Law

- 8. Under s 356(3) of the *CYFA*, where a child is charged with an indictable offence capable of being heard summarily, the Court must hear and determine the charge summarily unless one of the statutory exceptions applies.
- 9. Relevantly, under s 356(3)(b) the Court may decline to determine the matter summarily if it considers that the charge is unsuitable to be determined summarily by reason of exceptional circumstances.
- 10. Section 356A(1) provides that for the purposes of s 356(3)(b), exceptional circumstances are established if the Court considers that the sentencing options available under the *CYFA* are inadequate to respond to the child's offending.

11. In determining whether sentencing options available under the *CYFA* are inadequate, s 356A(2) requires the Court to have regard to the following factors:
- a) the seriousness of the alleged conduct, including its impact on any victims and the role of the child;
 - b) the nature of the offence;
 - c) the age and maturity of the child, and any disability or mental illness;
 - d) the child's prior offending history;
 - e) whether the alleged offence occurred while the child was in detention, on parole or in breach of an order made under the *CYFA*;
 - f) any other relevant matter.
12. Justice T. Forrest in *K v Children's Court of Victoria & Anor* [2015] VSC 645 at [26] & [27] stated the following in relation to exceptional circumstances within the context of s 356 of the *CYFA* [citations omitted]:

[26] The Children's Court has considered the meaning of 'exceptional circumstances' in the context of s 356 of the CYFA in various matters. The issue has come before both this Court and the Court of Appeal. Relevant principles that can be extracted from these cases include:

- (a) the Children's Court should relinquish its embracive jurisdiction only with great reluctance.*
- (b) the gravity of the conduct and the role ascribed to the accused are important matters but are not the only factors to be considered.*
- (c) other factors for consideration may include the maturity of the offender, the degree of planning or its complexity, and the antecedents of the alleged offender or particular features peculiar to him or her.*
- (d) the most important criterion is the overall administration of justice – that is, justice as it affects the community as well as the individual.*
- (e) the nature of the evidence to be called may render a matter unsuitable for summary determination – evidence about political motivation, or forensic or scientific evidence, may fall within this class.*

(f) 'exceptional', in this statutory context means more than special, it means very unusual.

[27] The authorities resound that each case of 'exceptional circumstances' must be determined on its own facts. I note that this is not only the first case of alleged terrorism offences to be uplifted but is in fact the first instance of a child charged with ss 101.4 or s 101.6 terrorism offences before a Victorian court. Historical analysis of the facts of alleged offending in matters uplifted is thus of limited assistance to this proceeding.

Summary of Facts

13. QXJ, aged 17 at the time of offending, resided with his parents in [redacted] and had no prior convictions.
14. QXJ held a junior firearms licence but was not authorised to possess firearms unsupervised.
15. The offending occurred on 6 March 2025 following QXJ conducting:
 - a) prior research into airport security, hijacking incidents, and aircraft operations;
 - b) Internet searches relating to explosives and aviation security; and
 - c) repeated attempts to contact the [redacted] seeking assistance and possible [redacted].
16. QXJ:
 - a) had formulated a plan to hijack an aircraft and flee Australia; and
 - b) prepared:
 - i. firearms taken from his father's locked safe;
 - ii. ammunition, knives, Molotov cocktails and a fake explosive device; and
 - iii. written notes outlining timing, disguise, and execution steps.

17. On 6 March 2025 QXJ:

- a) travelled home from work, armed himself, and drove to Avalon Airport;
- b) conducted reconnaissance around the airport before entry;
- c) gained access by driving through a gate and cutting a hole in the perimeter fence;
- d) targeted a Jetstar flight scheduled to depart Avalon to Sydney with passengers boarding;
- e) entered the tarmac wearing high-visibility clothing and carrying tool bags; and
- f) approached the aircraft and boarded via the front stairs.

18. Once on board the aircraft QXJ:

- a) told cabin crew he had a bomb and demanded access to the cockpit;
- b) attempted to assemble a shotgun inside the aircraft; and
- c) was physically restrained by the captain, passengers and crew before he had assembled the shotgun.

19. At the time approximately 173 passengers and 6 crew were on board or boarding.

20. QXJ was found to be in possession of:

- a) firearms, including the disassembled shotgun, and a rifle in his car;
- b) ammunition;
- c) multiple knives;
- d) Molotov cocktails; and
- e) a fake explosive device.

21. The passengers were evacuated and police attended shortly thereafter.

22. In his interview QXJ admitted:

- a) planning the conduct for weeks and executing it deliberately;
- b) intending to hijack the aircraft and [redacted];
- c) seeking to use fear and intimidation rather than direct violence to secure compliance;
- d) taking firearms unlawfully;
- e) entering the airport and aircraft without authority; and
- f) attempting to seize control of the aircraft.

23. The prosecution outline of facts highlights conduct that involved premeditation and occurred in a high-risk aviation setting, exposing the passengers and crew to potentially catastrophic harm. The presence of weapons, incendiary devices, and threats of explosives created an acute risk to safety despite the plan not being completed but for the immediate intervention from crew and passengers.

Prosecution Submissions

24. The prosecution applies pursuant to s 356(3) of the *CYFA* for the matter to be uplifted and determined on indictment, submitting that exceptional circumstances render the charges unsuitable for summary determination.

25. It contends that such circumstances arise because the sentencing options available in this Court are inadequate to respond to the gravity of the alleged offending and that the overall administration of justice requires that the matter proceed in a higher court.

26. In advancing that submission, the prosecution places significant reliance on the seriousness of the alleged conduct. It submits that the offending constituted a planned and deliberate attempt to hijack a commercial aircraft carrying a substantial number of passengers and crew. The conduct is said to have involved careful preparation over a period of time, including research into aviation security and hijacking, the identification of a target aircraft, and the assembly of weapons and other materials intended to facilitate the offending. QXJ is alleged to have brought multiple firearms to the airport, keeping a disassembled shotgun with him, to have brought ammunition, knives, incendiary devices and a simulated explosive onto the aircraft, and to have used threats of a bomb in an attempt to gain access to the cockpit and assert control of the flight.

27. In oral submissions the prosecution sought to highlight the enormity of QXJ's conduct by reference to the prosecution's summary of facts:

- a) [13] describes the operational context of the incident: Jetstar flight JQ610, scheduled to depart Avalon for Sydney at 2:55 PM, was in the final stages of boarding with 173 passengers and 6 crew already preparing for departure.

- b) [15] – [22] outline QXJ’s approach to and entry onto the aircraft, and his immediate conduct. CCTV captured him ascending the front stairs of the plane. At the entrance, crew member [redacted] challenged him, at which point he made statements indicating he had bombs and sought access to the cockpit while directing his attention toward it. Other crew members heard him refer both to needing to enter the cockpit and to the presence of a bomb, while behaving nervously and attempting to control the situation by telling others to remain calm. A passenger observed him moving toward the open cockpit door, prompting the captain to intervene. QXJ produced parts of a shotgun and attempted to assemble it. Before he could do so, the captain and a passenger physically overpowered him, disarmed him, and—with the assistance of others—restrained him on the floor.
- c) [25] – [27] describe events following his restraint. Staff searched QXJ and removed various items from his possession, including tools, a knife, ammunition and documents. A noticeable petrol smell was detected emanating from his bags, which were subsequently removed from the aircraft to the tarmac. While restrained, QXJ made a number of statements indicating that his intention was to scare people, that he had been planning the conduct for months, and that he had only recently decided to act, while also hinting at the possibility of further plans.
- d) [31] sets out the documentary material found on QXJ at the time of his restraint. These included a Hungry Jacks receipt timestamped earlier that day, a handwritten “*bomb diagram plan*” describing a rudimentary explosive device, and written notes detailing logistical planning such as taxi arrangements, timings, disguise and preparatory steps associated with the execution of the offending.
- e) [32] states that the items removed from QXJ when he was restrained included a disassembled Miroku shotgun, nine shotgun cartridges, a black-handled knife in a sheath, two folding knives, a wallet containing his firearms licence and learner permit, a Zippo lighter and a toolbelt with various tools.
- f) [33] states that the bags carried by QXJ, which were placed on the tarmac, were examined by bomb technicians and found to contain an apparent improvised explosive device. It consisted of two duct-taped rectangular components connected by wiring to an orange pipe, though the pipe itself was empty.
- g) [34] states that the bags also contained additional weapons and materials, including parts of a shotgun, multiple boxes and loose quantities of ammunition, a metal drink bottle containing liquid, and an ice-cream container holding petrol-filled bottles

consistent with Molotov cocktails, along with other miscellaneous items such as a torch and a teddy bear.

h) [43]-[54] describe internet searches demonstrating intention and planning, such as “*what airports do AFP patrol*”, “*airport ground crew jobs*”, “*Avalon Airshow dates 2025*” and the “*Avalon airport*” on Google maps.

28. The prosecution further emphasises the nature of and maximum penalties for the offences charged. It notes that several of the offences carry maximum penalties of life imprisonment, and others carry very substantial maximum penalties, which, it is submitted, reflects the inherent gravity of the conduct alleged. It submits that the statutory maxima provide a clear indication of the seriousness with which the law regards conduct of this nature, particularly where it involves risks to large numbers of persons in an aviation setting.

29. In relation to the personal circumstances of QXJ, the prosecution submits that he was at the upper end of the Children’s Court jurisdiction, being nearly 18 years of age at the time of the offending and is now an adult. It further submits that there is no material indicating that QXJ suffered from any condition that would reduce his moral culpability, and that the alleged conduct was purposeful and deliberate. While it acknowledges that QXJ has no prior convictions, it submits that this factor does not materially diminish the seriousness of the conduct in the present case.

30. A central plank of the prosecution’s submission is that the maximum sentencing power available to this Court—detention in a youth justice centre for a period of up to four years—would be manifestly inadequate to meet the circumstances of the offending alleged. It is submitted that, having regard to the scale, planning, and potential consequences of QXJ’s conduct, a significantly greater sentencing range is required than that available within this jurisdiction.

31. The prosecution also submits that considerations of general deterrence assume particular importance in relation to offences of this kind, given their capacity to cause catastrophic harm and widespread public fear. It contends that such considerations cannot be fully reflected within the sentencing framework applicable in this Court.

32. In response to QXJ's submission that this Court is best placed to determine a mental impairment defence given the complexity of the psychological and psychiatric material, the Director submitted that such a contention should not be accepted. The Director noted that superior courts routinely hear and determine cases in which mental impairment defences are raised, often involving complex expert evidence. In those courts, juries are directed in accordance with established principles and are capable of assessing such material in a careful and detached manner.
33. It was further submitted by the Director that, if the mental impairment defence were to succeed, the Children's Court would be constrained by the statutory limits applicable to supervision orders. The Director contended that those limitations may render the available orders insufficient to adequately protect the community, having regard to the nature and seriousness of the alleged offending.
34. Finally, the Director recognises that there is no established sentencing pattern for offending of this kind but asserts that guidance may properly be drawn from comparable adult authorities. Those cases demonstrate that attempted aircraft hijacking attracts very substantial custodial penalties, even where mental impairment reduces culpability.
35. Sentences of the order of 8 years' imprisonment with a non-parole of 5 (*Marks v The Queen* [2019] VSCA 253) and a notional sentence of 13 years' detention (in *R v Robinson* [2004] VSC 505, where the offender was found not guilty by reason of mental impairment) illustrate the gravity with which such offending is treated.
36. These authorities, it was submitted, support the conclusion that offending of this character ordinarily warrants lengthy imprisonment and reinforce the prosecution submission that the sentencing limits of this Court are inadequate.
37. The Director further submitted that, quite apart from sentencing limitations, the overall administration of justice requires that the matter be determined on indictment.
38. The Director emphasises that hijacking is an inherently grave offence for which general deterrence is ordinarily a central sentencing consideration, given the potentially catastrophic consequences, but that such considerations cannot be given effect within

this Court's sentencing framework. Further, although motive is not an element of the offences, the alleged offending appears to have been [redacted] motivated, which is a factor capable of rendering a matter unsuitable for summary determination.

39. Taken together, these considerations are relied upon to support the conclusion that the proceeding should be heard in a superior court, where the full range of sentencing purposes and options is available.
40. Finally, the prosecution points to what it characterises as a political or ideological dimension to the alleged offending. It submits that the conduct appears to have been motivated, at least in part, by [redacted] beliefs and associations, which is said to be a factor supporting the conclusion that the matter is not suitable for summary determination.
41. In those circumstances, the prosecution submits that the combination of the gravity of the alleged conduct, the inadequacy of the sentencing options available in this Court, the need to give proper effect to all purposes of punishment, and the unusual and serious nature of the allegations gives rise to exceptional circumstances within the meaning of the Act and that the matter may be determined on indictment.

Defence Response

42. The defence submits that the application for uplift should be refused on the basis that the prosecution has failed to establish exceptional circumstances sufficient to displace the presumption that the matter be determined summarily in the Children's Court.
43. It is contended that the prosecution overstates both the gravity of the offending and QXJ's culpability. When QXJ's conduct is considered in its full context, including detailed evidence of his mental health, the defence submits that QXJ should be understood as a vulnerable and overwhelmed young person who had reached a point of desperation, rather than a calculated or ideologically driven offender. The facts are not largely in dispute.

44. Central to this submission is QXJ's mental state. It was submitted that expert psychiatric and neuropsychological evidence demonstrated a significant deterioration in mental functioning prior to the offending, including symptoms of depression, paranoia, hallucinations, impaired executive functioning and possible psychotic processes. It was submitted that these matters either support a defence of mental impairment, or constitute powerful mitigation requiring a rehabilitative response, both of which can be addressed within this Court's jurisdiction. QXJ has instructed his legal representatives to rely upon the defence of mental impairment.
45. The defence further submits that the Children's Court is the appropriate forum in which to determine any issue of mental impairment. It contends that the psychological and psychiatric material in the present case is complex, and that there is a real risk of prejudice arising from evidence of QXJ's ideological statements. In those circumstances, it is submitted that determination by a judicial officer, rather than a jury, is preferable.
46. In support of that submission, it is said that Parliament has addressed such considerations in the *Crimes (Mental Impairment and Unfitness to be Tried) Act*, including by providing in s 38I for the constitution of the Court by the President, or in the President's absence, a nominated magistrate. The defence argues that this legislative framework reflects a preference for the involvement of a judicial officer in assessing complex expert material, particularly in circumstances where a tribunal of fact may otherwise be distracted or influenced by the surrounding factual circumstances.
47. The defence further submits that the administration of justice would be better served if the matter were retained in this Court, on the basis that the hearing would proceed more efficiently and with less delay than if the matter were committed for trial on indictment. It is also submitted that, if the defence of mental impairment were to succeed, it should not be assumed that the limitations on the period of supervision available in this Court would necessarily be inadequate to protect the community. Rather, the appropriate period of supervision would depend upon QXJ's actual mental condition at the relevant time. In that regard, it is contended that the current clinical view is that any such condition may be of limited duration.

48. In addressing the seriousness of the offending, the defence accepts that the conduct was serious but submits that its practical capacity to cause harm was limited. It is emphasised that the firearm was not assembled or loaded, the explosive device was not functional, and QXJ's conduct was disorganised, naïve and poorly conceived. QXJ was said to be immediately compliant on apprehension, cooperative thereafter, and motivated by a desire to escape and [redacted] rather than to cause harm.
49. The defence disputes that the alleged offences, particularly those carrying life imprisonment maximum penalties, can necessarily be made out and submits that, even if proved, the Children's Court retains sufficient sentencing capacity having regard to QXJ's youth, mental health and the mitigating features of the case.
50. The defence further relies on a number of mitigating features. QXJ has no prior criminal history and participated in a record of interview in which he cooperated with police. He was 17 years of age at the time of the alleged offending and is now 19. His conduct whilst in custody has been without issue and he has been described as polite, compliant, and, in some respects, naïve and impressionable.
51. In relation to the alleged offending itself, the defence accepts much of the factual narrative but submits that the incident must be viewed in its proper context. It is said that it is notable QXJ was able to progress as far as he did, and that once he boarded the aircraft the situation was always likely to end in his rapid restraint. The defence does not accept that the planning for the offending extended back to 2024 but contends that QXJ had a pre-existing interest in aviation and airports, which provides an alternative explanation for aspects of the material relied upon by the prosecution.
52. The defence also rejects the characterisation of the offending as [redacted] motivated in any meaningful sense, submitting that QXJ's purported [redacted] beliefs were incoherent, inconsistent, and indicative of confusion rather than genuine motivation.
53. The defence further submits that, at the point of his apprehension, QXJ appeared calm and, in some respects, relieved. It is said that his immediate conduct following his restraint was inconsistent with any ongoing attempt to assert control or cause harm. Rather, he engaged with those restraining him in a composed manner, making

statements to the effect that one crew member had “*done the right thing*”, and to another that he was “*a good man*” whom he respected. This post-offence conduct is relied upon as further indicative of QXJ’s state of mind and as mitigating the overall assessment of his behaviour.

54. It was further submitted on behalf of the defence that considerations of general deterrence do not justify an uplift, as they do not form part of the statutory test for exceptional circumstances and cannot properly ground a decision to remove the matter from this Court. The defence submits that there is a well-established legislative policy underpinning that position, reflected in the youth justice framework, which emphasises an offender-centred or welfare-based approach in dealing with young offenders.

55. In that regard, reliance was placed on appellate authority recognising that this policy is strongly supported by extensive research into adolescent development. The Court was referred to *CNK v The Queen* [2011] VSCA 227 at [77] and *Bradley Webster v The Queen* [2016] VSCA 66 at [26]–[28], in which the Court of Appeal acknowledged and accepted that such research provides a sound basis for the exclusion of general deterrence as a relevant sentencing consideration in the case of young offenders pursuant to the provisions of the *CYFA*. It is submitted that those principles reinforce the conclusion that general deterrence cannot properly support a finding of exceptional circumstances in the present case.

56. In summary, the defence contends that the combination of QXJ’s youth, lack of prior offending, significant mental health issues, and the features of the conduct mean that the Children’s Court is both equipped and best placed to determine the matter, and that the prosecution has not established exceptional circumstances warranting uplift.

Summary of Dr Deacon’s Report dated 15 October 2025

57. QXJ was assessed by Dr Adam Deacon, Consultant Psychiatrist, on multiple occasions between July and October 2025 following his remand in custody. The purpose of the assessment was to examine his psychiatric condition, provide an account of his mental state leading up to the offending, and consider whether any mental disorder may explain or contribute to his conduct.

58. QXJ presented consistently across assessments as polite, cooperative and well-mannered. His interpersonal style was described as somewhat unusual, with a limited range of emotional expression and a tendency to respond in a considered and deliberate manner. While he was able to articulate an account of events in considerable detail, he did so with an apparent lack of affect given the extraordinary and, at times, distressing nature of those events. His presentation included no overt thought disorder or disorganisation, and his speech was coherent and logical.
59. QXJ's developmental history reveals early vulnerabilities but no diagnosed psychiatric disorder. He experienced childhood anxiety, speech difficulties and subtle interpersonal challenges, including social awkwardness and a preference for routine. Although there were suggestions of autistic traits during childhood, these did not meet diagnostic criteria for autism spectrum disorder. Throughout schooling, he performed at an average to above-average level and displayed no significant behavioural concerns.
60. Dr Deacon stated QXJ's psychiatric history is notable for the absence of formal diagnosis prior to the offending. However, he reported a period of depressive symptoms over approximately two to three years, characterised by low mood, irritability, and emotional internalisation. He did not disclose these symptoms to others. He also described longstanding sleep difficulties and a tendency to remain private and guarded in relation to his emotional state.
61. In the period leading up to the offending, QXJ reported exposure to a series of highly unusual and distressing events involving contact with individuals associated, in his account [redacted].
62. Following that incident, he reported [redacted]. He formulated a plan to leave Australia by hijacking an aircraft. He acknowledged that he understood his actions were wrong and carried a risk of harm to others but described a perceived absence of alternative options and a sense of compulsion arising from his beliefs about the situation.
63. QXJ's account of his experiences has been inconsistent across time. He admitted to deliberately exaggerating or fabricating aspects of his psychiatric symptoms when

initially assessed in custody. His stated motivation for doing so was to mislead police and create doubt regarding the reliability of his account. This has complicated interpretation of his presentation. He acknowledged that he exaggerated symptoms such as hallucinations and paranoia and at times consciously attempted to appear mentally unwell.

64. Nevertheless, he also reported experiencing genuine stress and, in the weeks prior to the offence, some abnormal perceptual phenomena, including auditory disturbances such as indistinct noises and sensations of heightened anxiety and paranoia. These symptoms were described as transient and resolved following his admission to hospital. Importantly, they were not characterised by command hallucinations or clear delusional content-driving behaviour.
65. During his hospital admission and subsequent psychiatric evaluations, clinicians did not observe sustained evidence of a primary psychotic disorder. While he reported intermittent hallucination-like experiences, these did not meet the threshold for a diagnosis of psychosis. Instead, the treating team considered that he exhibited an “*at risk mental state*”, reflecting vulnerability to the future development of a psychotic disorder, but not an established illness.
66. Dr Deacon emphasised that QXJ’s case is complicated by the interplay of possible factual experiences, exaggeration and reported symptoms. He identified three potential formulations: that the account is substantially true; that it is fabricated or exaggerated; or that it reflects a delusional belief system. In his ultimate opinion, the account is more likely to be factual or substantially based in real experiences, rather than a product of a primary psychotic disorder. This conclusion is based on the level of detail, the absence of typical features of delusional conviction and QXJ’s capacity to reflect on the unusual nature of his experiences.
67. The report further notes that QXJ’s personality characteristics—namely, his naivety, impressionability, and desire for purpose and belonging—rendered him vulnerable to exploitation. His [redacted] appears to have arisen from a search for identity and meaning. Once exposed to [redacted] he developed a belief that he had limited or no viable alternatives, which influenced his subsequent decision-making.

68. In respect of the mental state at the time of the offending, QXJ accepted that he knew his actions were wrong. However, he described feeling compelled to act, believing that he had no realistic alternative and that failure to comply could result in [redacted]. His decision-making was described as impaired by stress, fear, and a perceived obligation to [redacted]. He stated that he was “*not thinking rationally*” and had lost the ability to properly consider consequences.
69. Dr Deacon concluded that, if QXJ’s account is accepted as largely factual, his conduct cannot be attributed to a psychotic illness and the criteria for a defence of mental impairment would not be met. However, he acknowledged that if the account were found to be unfounded and instead reflective of a complex delusional belief system, then QXJ’s capacity to reason about the wrongfulness of his conduct may have been significantly compromised.
70. Accordingly, the ultimate psychiatric opinion (based on the report dated 15 October 2025) was that QXJ does not clearly meet the criteria for a mental impairment defence on the available material, but that this conclusion depends critically upon the factual interpretation of his experiences.

Summary of Dr Deacon’s Report dated 15 May 2026

71. The supplementary report of Dr Deacon was prepared to address an alternative hypothesis concerning QXJ’s account of [redacted], namely whether, if that account were not factually true, it was more likely to represent a deliberate fabrication or a manifestation of mental disorder.
72. Following a further brief interview, Dr Deacon observed that QXJ’s mental state was broadly consistent with earlier assessments. QXJ reported that he was generally stable in custody, notwithstanding ongoing headaches and a prior transient neurological episode. He maintained that his account of events, including his [redacted], remained unchanged although his recall of detail had diminished over time.

73. Dr Deacon considered, on the assumption that [redacted] was not factually accurate, the competing explanations of fabrication and delusion. He concluded that, on the balance of probabilities, the more plausible explanation was that the account reflects an unusually rich delusional system, rather than a consciously fabricated or feigned story.
74. In support of that conclusion, Dr Deacon observed that there was no evidence of deliberate invention for personal gain, notoriety, or advantage. QXJ had not publicised the account to others in his personal life, and the narrative ultimately contributed to his engagement in the offending rather than conferring any apparent benefit.
75. Dr Deacon identified the possibility that QXJ experienced a brief psychotic episode or a schizophreniform disorder, noting that such conditions may arise in response to stress or independently, and may involve delusions and other psychotic symptoms over a defined period. He did not consider there to be evidence of an enduring psychotic disorder such as schizophrenia.
76. Accordingly, the report supports the conclusion that, if the factual basis of the QXJ's account is rejected, the more likely explanation lies in a psychologically driven, delusional belief system, rather than intentional deception.

Dr Laura Scott's Clinical Neuropsychologist dated 28 April 2026

77. QXJ underwent a neuropsychological evaluation in April 2026. The assessment was directed to determining whether he suffers from a neuropsychological condition, the nature and effect of any impairments and whether he meets the criteria for a defence of mental impairment.
78. QXJ's developmental history discloses longstanding vulnerabilities. In childhood he demonstrated speech delay requiring intervention, anxiety, sleep disturbance, and sensory sensitivities. He was described as socially somewhat awkward, emotionally reserved, and inclined to communicate in a formal or atypical manner. He had difficulty with nuanced interpersonal relationships and showed features suggestive of rigidity of thought and behaviour. Despite these characteristics, he functioned adequately in many

domains: he maintained a small peer group, completed schooling to Year 11, and entered the workforce as a carpentry apprentice. There is no prior offending history.

79. Collateral material from his parents and contemporaneous records support the presence of enduring neurodevelopmental traits, including limitations in social communication, reduced emotional expressiveness and a tendency toward rigid thinking and dependence on structured environments. However, a formal diagnosis of autism spectrum disorder has not been clearly established. The overall impression is of a socially naïve and vulnerable young person with subtle neurodevelopmental differences rather than a clearly defined disorder.
80. QXJ's medical and psychiatric history is complex. He has experienced longstanding migraine headaches and episodes of transient neurological symptoms, including unilateral weakness and sensory disturbance. Neuroimaging identified enlarged ventricles but no definitive organic pathology. There is evidence of low serum copper levels, raising the possibility of Wilson's disease, though this remains unconfirmed and requires further investigation.
81. Psychiatrically, QXJ has a history of anxiety and depression from a young age. In the period preceding and following the offending, there was a marked deterioration in his mental state. This included suicidal ideation and attempts, multiple hospital admissions, and reports of perceptual disturbances, including auditory and visual hallucinations. His accounts of symptoms have been inconsistent, and at times he has acknowledged exaggerating or withholding information from clinicians.
82. There is evidence suggesting an "*at-risk mental state*" for psychosis, though no clear diagnosis of a primary psychotic disorder has been made. Some clinicians have identified possible stress-induced or transient psychotic symptoms. In addition, QXJ describes exposure to highly distressing experiences, [redacted], which has given rise to features consistent with post-traumatic stress, including intrusive recollections, physiological reactivity and disturbed sleep. Whether these experiences were real or reflective of a disordered belief system remains uncertain, but the symptoms themselves are accepted as genuine.

83. In the months leading up to the offending, there was a discernible deterioration in functioning. QXJ became increasingly withdrawn, irritable, and fatigued, with reduced appetite and worsening headaches. Friends and family observed behavioural changes, including unusual beliefs, emotional instability and references to having found a “*purpose*”. There were reports that he experienced auditory phenomena in the weeks immediately prior to the incident.
84. On the day of the offending, QXJ brought numerous weapons and materials onto an aircraft. His behaviour when apprehended was described as unusually calm and emotionally flattened. He later acknowledged that he understood his actions were wrong and carried significant risk. However, he also described acting under a sense of compulsion, based on beliefs that he was involved with [redacted] and had limited options available to him, [redacted].
85. Dr Scott stated that neuropsychological testing indicates that QXJ’s overall intellectual functioning falls within the average range. However, there are significant discrepancies within his cognitive profile. QXJ demonstrates relative strengths in visuospatial abilities and vocabulary, with intact basic attention and memory for simple material. In contrast, he exhibits marked impairment in response inhibition and impulse control, and milder but clinically meaningful weaknesses in working memory, processing speed, executive functioning (including planning, flexibility and idea generation) and aspects of verbal learning and reasoning. QXJ’s presentation is characterised by rigidity of thought, inefficiency in handling complex information and vulnerability under conditions of stress.
86. Dr Scott’s opinion is that QXJ’s presentation is best understood as multifactorial. There is evidence of neurodevelopmental vulnerability, significant psychological disturbance and possible neurological contribution. Consideration is given to a trauma-related disorder and to stress-induced or emerging psychotic phenomena, although diagnostic certainty is not possible on the available material. The possibility of an underlying neurological condition, including Wilson’s disease, is identified as requiring urgent further investigation.

87. In terms of functioning, QXJ is regarded as vulnerable in a custodial setting by reason of his social naivety, communication difficulties and cognitive impairments. He has already demonstrated deterioration in custody, including self-harm, and is considered at risk of further mental decline, particularly in an adult prison environment.
88. As to the issue of mental impairment, Dr Scott concluded that QXJ was suffering from a mental impairment at the time of the offending. While he retained an intellectual understanding of the nature and wrongfulness of his conduct, his ability to reason and to make judgments with a moderate degree of sense and composure was significantly compromised by his mental state. His actions are considered to have been driven by a combination of acute psychological distress, impaired judgment, and dysfunctional belief systems, whether grounded in reality or otherwise.
89. Accordingly, Dr Scott's opinion is that QXJ meets the criteria for a defence of mental impairment.

Consideration

90. This is an application by the Commonwealth Director of Public Prosecutions pursuant to s 356(3) of the *CYFA* for the Court to decline to determine the charges summarily and instead conduct committal proceedings on the basis that exceptional circumstances exist.
91. QXJ opposes the application. The issue for determination is whether the charges are unsuitable to be determined summarily by reason of exceptional circumstances.
92. Where a child is charged with indictable offences capable of being heard summarily, the Court must determine them summarily unless one of the statutory exceptions applies. Relevantly, the Court may decline to do so if satisfied that the matter is unsuitable by reason of exceptional circumstances. One basis on which exceptional circumstances are established if the Court considers that the sentencing options available to it are inadequate to respond to the offending, having regard to the matters identified in s 356A.

93. The authorities emphasise that the jurisdiction of this Court should be relinquished only with caution and reluctance, and that the presumption in favour of summary determination is not displaced lightly. At the same time, the inquiry must also be directed to the proper administration of justice, having regard to the interests of both the child and the community.
94. The question of adequacy must be assessed by reference to the particular child and the totality of the circumstances of the alleged offending. The seriousness of the conduct is a relevant and significant factor, but it is not determinative. The inquiry requires an evaluative judgment as to whether the available dispositions in this jurisdiction can adequately respond to the offending when the child's age, personal circumstances, mental condition, and protective needs are properly taken into account.
95. The alleged offending is of an exceptionally grave character. On the material, QXJ engaged in a deliberate and pre-planned attempt to seize control of a commercial passenger aircraft. This involved the acquisition and transportation of firearms, ammunition, knives, incendiary devices and a simulated explosive device onto an aircraft carrying a large number of passengers and crew.
96. The conduct is alleged to have involved prior research, planning and preparation, including devising a method of unlawful entry to the airport, disguising his presence, and identifying a target flight. Once on board, QXJ is said to have asserted that he possessed a bomb, attempted to gain access to the cockpit, and sought to assemble a firearm before being restrained.
97. The risks inherent in such conduct are self-evidently extreme. The offending occurred in a high-risk aviation environment and exposed a substantial number of persons to the potential for catastrophic harm. The fact that the conduct was not completed does not diminish the risk created.
98. The maximum penalties applicable to several of the charges, including life imprisonment, further underscore the seriousness with which the law regards such conduct.

99. A central question is whether the sentencing and supervisory powers available to this Court are adequate to respond to the alleged offending. If the charges were determined summarily, the maximum available disposition would include detention in a youth justice centre for a period of up to four years.
100. In considering the adequacy of available dispositions, I have had regard not only to the maximum period of detention but to the full range of orders available under the Act, including supervisory and rehabilitative mechanisms. However, even when those options are considered collectively, I am not satisfied that they are capable of adequately responding to the offending alleged in this case.
101. I have considered whether, notwithstanding the offending, the combination of QXJ's youth, absence of prior offending and his demonstrated vulnerabilities increase the extent to which the available sentencing and supervisory powers might be adequate. Those matters are significant and would ordinarily weigh against relinquishing jurisdiction. However, in the present case they do not overcome the limitations of the available dispositions because they do not diminish the scale of the risk created, nor do they provide a sufficient basis to conclude that the protective, supervisory and accountability functions required can be met within the available statutory framework.
102. I have also given careful consideration to the psychiatric and neuropsychological material relied upon by the defence. That material raises complex issues as to QXJ's mental state, including the possibility of a defence of mental impairment and questions as to the nature and duration of any underlying condition.
103. I accept that the expert evidence is complex and that aspects of the factual matrix may be capable of giving rise to prejudice. However, those matters do not render the charges suitable for summary determination. Superior courts routinely determine matters involving complex psychiatric evidence and allegations of significant gravity, with juries properly directed as to the assessment of such material.
104. I have also considered whether, in the event that a defence of mental impairment were established, the supervision regime available within this jurisdiction would be capable of adequately managing any ongoing risk. While such orders provide important

protective mechanisms, their duration and structure are constrained. On the material before the Court, including the uncertainty as to the nature and persistence of any underlying condition, I am not satisfied that those mechanisms would be sufficient to respond to the degree of risk and complexity presented in this case.

105. Importantly, this conclusion is not founded upon speculation as to future risk but upon the present inability to conclude, on the evidence, that the available statutory powers are capable of adequately addressing that risk.

106. The defence submits that considerations of general deterrence cannot justify an uplift. I accept that general deterrence does not expressly form part of the statutory test for exceptional circumstances and does not independently support the conclusion reached. Rather, the absence of capacity to give effect to all relevant sentencing purposes is considered only insofar as it informs the broader question of whether the available sentencing framework is adequate.

107. In that context, I prefer the submissions advanced by the prosecution, as reflected in [31] and [38], to those of the defence in [54] and [55]. In my view, the nature and seriousness of the alleged conduct engage considerations which bear directly upon the adequacy of the available sentencing responses. In those circumstances, the limitations of the sentencing and supervisory powers available in this Court assume particular significance. I am satisfied that the offending is of such a nature and character that the full range of sentencing options ought to be available.

108. I have also considered the submission that the matter could be determined more efficiently in this Court. While considerations of efficiency and delay may be relevant, they cannot outweigh the need for the charges to be determined in a forum capable of fully responding to offending of the kind alleged.

109. The present case is not exceptional solely by reason of seriousness. It is the convergence of factors — significant pre-meditation, the nature of the risks created in a confined aviation environment, the uncertainties surrounding the accused's mental condition and the constraints of the available statutory responses — that together render the matter unsuitable for summary determination.

110. I have approached the question on the basis that the Court's jurisdiction should be relinquished only with caution and reluctance. That principle has been actively applied in weighing the competing considerations in this case. Notwithstanding that caution, I am satisfied that the combination of factors identified above displaces the presumption in favour of summary determination.
111. Having regard to the matters set out above, I am satisfied that exceptional circumstances exist within the meaning of s 356(3)(b) of the *Children, Youth and Families Act 2005* (Vic).
112. I am satisfied that the sentencing and supervisory options available to this Court are inadequate to respond to the alleged offending, even taking full account of QXJ's age, personal circumstances and the psychiatric material relied upon by the defence.
113. This conclusion is not reached solely on the basis that offending of this kind will ordinarily require uplift. Rather, it reflects the particular combination of features present in this case and the application of the statutory test to those facts.
114. It is for these reasons that I prefer the submissions of the prosecution, as outlined in [25] and [37], to those of the defence in [47], and am satisfied that the overall administration of justice requires that the charges be determined on indictment.