



HIGH COURT OF AUSTRALIA

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Details of Filing

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**IN THE HIGH COURT OF AUSTRALIA
MELBOURNE REGISTRY**

M41/2026

BETWEEN:

DEMETRIOS CHARISIOU
Appellant

and

THE KING
Respondent

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**OUTLINE OF ORAL SUBMISSIONS
OF THE LAW AND ADVOCACY CENTRE FOR WOMEN**

PART I: CERTIFICATION AS TO PUBLICATION

1. This outline of oral argument is in a form suitable for publication on the internet.

20 **PART II: OUTLINE OF ORAL SUBMISSIONS**

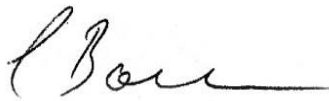
**Family hardship should be recognised as a relevant sentencing factor at common law
without any exceptional circumstances threshold applying**

2. The exceptional circumstances threshold rests on unstable foundations. Cases relied on in *Markovic v The Queen* (2010) 30 VR 589 in support of the threshold do not support its existence: (LACW [14]-[26]).
 - a. *R v Mitchell* [1974] VR 625 (**JBAI, vol 2, 500**) at 631— cited in *Markovic* at [77] (n 37).
 - b. *Attorney-General v Marasovic* (unreported, Victorian Supreme Court, Court of Criminal Appeal, 16 February 1982) (**JBAI, vol 2, 28**) at 14 — cited in *Markovic* at [77] (n 37).
 - c. *R v Power* (Unreported, Supreme Court of Victoria, Court of Criminal Appeal, 2 June 1987) (**JBAI, vol 2, 522**) at 7-8, 14-15— cited in *Markovic* at [9].

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- i. D A Thomas, *Principles of Sentencing – The sentencing policy of the Court of Appeal Criminal Division*, Ch 4: Mitigation (**JBA**, vol 5, **1613**) at 212
 - d. Victorian Government, *Victorian Sentencing Manual*, 1991 (**JBAI**, vol 3, **607**) at 222, 225.
 - e. *R v Panuccio* (unreported, Supreme Court of Victoria, Court of Appeal, 4 May 1998 (**JBAI**, vol 2, **509**) at 6-7 — cited in *Markovic* at [10].
3. There is inconsistency and tension in the way the test is stated and applied, resulting in conceptual confusion and practical injustice: (LACW [31]-[36]).
- 10 a. *Markovic* (2010) 30 VR 589 (**JBA**, vol 4, **751**) at [10].

Dated: 12 August 2026



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