



HIGH COURT OF AUSTRALIA

5 August 2026

THE KING v HCZ
[2026] HCA 24

Today, the High Court unanimously allowed an appeal from a judgment of the Court of Appeal of the Supreme Court of Queensland. The appeal concerned the application of the applicable standard of appellate review to a decision under s 227(2) of the *Youth Justice Act 1992* (Qld).

On 26 December 2022, the respondent, aged 17 years and eight months, committed offences including the offence of murder. The murder was found by the sentencing judge in the Supreme Court of Queensland to fall within s 176(3)(b)(ii) of the *Youth Justice Act* as "a particularly heinous offence having regard to all the circumstances". The respondent was sentenced to a term of detention of 14 years. Section 227(1) of the *Youth Justice Act* provided a default rule preventing the respondent from being released from detention until he had served 70 per cent of that period of detention. The sentencing judge concluded that "special circumstances" under s 227(2) did not exist to enable up to a 20 per cent reduction of the default period of detention to be served before release.

In the context of considering whether the sentence was manifestly excessive, the majority of the Court of Appeal held that, in determining whether special circumstances existed under s 227(2), the sentencing judge had allowed the seriousness of the offending to overwhelm the respondent's early pleas of guilty, his deprivation in upbringing, and the positive signs of his ability to rehabilitate. Before the High Court, it was common ground that the applicable standard of appellate review of a decision under s 227(2) is the standard involving judicial restraint. The only dispositive question was whether departure from the conclusion of the sentencing judge could be justified on a standard involving judicial restraint.

The High Court allowed the appeal and held that it was not open, in the application of a standard of judicial restraint, for an appellate court to interfere with the sentencing judge's decision that no special circumstances existed under s 227(2) of the *Youth Justice Act*.

This statement is not intended to be a substitute for the reasons of the High Court or to be used in any later consideration of the Court's reasons.