Judgment Summary

Supreme Court
Australian Capital Territory
Court Of Appeal

Thursday, 12 November 2026

DPP v Liam Hyde (a pseudonym) [2026] ACTCA 42

McCallum CJ, Taylor and Vandongen JJ

The Court of Appeal has unanimously allowed an appeal by the Director of Public Prosecutions against the sentence imposed on the respondent in August 2025. The respondent was 15 years old at the time of the offending but in his forties when he was sentenced. The respondent committed four sexual offences against the victim who was 12 years old during a camping trip in 1999.

The respondent was originally sentenced to a total term of imprisonment for two years, with the sentence to be suspended after he had served 16 months imprisonment upon the condition that he enter into an undertaking to comply with his good behaviour obligations for a period of 18 months. The Director appealed from the whole of the orders, relying on two grounds. The first ground was that the sentencing judge erred in his application of the provisions of Ch 8A of the *Crimes (Sentencing) Act 2005* (ACT). The second ground was that the sentence was manifestly inadequate.

In relation to the first ground, the Court of Appeal found the sentencing judge did misapply Ch 8A in holding that the proper application of its provisions required the imposition of sentences "very much shorter than would have been the case had the offences been committed by the offender as an adult". The Court found the sentencing judge did not provide an explanation as to the influence of the Ch 8A provisions on the appropriate sentence in light of the specific findings made about the respondent, namely his high moral culpability and the limited weight to be given to rehabilitation.

The Court also accepted the second ground of appeal, finding that the error in applying Ch 8A materially contributed to the manifest inadequacy of the sentence. The original sentence imposed was held to not properly reflect the gravity of the offending nor give effect to the purposes of sentencing which were most compelling in this case. The respondent was resentenced to a total period of imprisonment for four years, six months and 17 days to be suspended after two years and 10 months.

This summary has been prepared for general information only. It is not intended to be a substitute for the judgment of the Court or to be used in any later consideration of the Court's judgment.

General enquiry contact details
Telephone: (02) 6205 0000
Email: SC.Media@courts.act.gov.au