

The defendant is HR, aged 17, and his co-defendant is KAL, aged 16. The defendant has pleaded guilty to the following offence on Indictment 82/2026:

- (a) 1 count of Aggravated armed robbery contrary to s 240(4) of the *Criminal Code 1924*.

The defendant, at the date of the offending on 19 December 2025, was 16 years and 9 months old.

Aggravated armed robbery is a prescribed offence for a 16 or 17-year-old under the *Youth Justice Act 1997*.

In December 2025, the defendant was detained at Ashley Youth Detention Centre due to being refused bail on other offending that is yet to be resolved. At around 6:44pm on 18 December 2025, the defendant escaped from the detention centre.

The complainants are Hillary Napier, aged 69 and Giles George, aged 34. They are mother and son and were visiting Australia from the UK and the Netherlands, respectively. On 19 December 2025 at around 7:15am, the complainants were checking out of Penguin Beachfront Apartments at Penguin. They began carrying their luggage towards their rental car parked outside when they noticed the two defendants sitting in the corner of the carpark.

The defendant approached the complainants, with one producing a large knife with a serrated blade. He pointed the tip of the knife towards the complainants. Mr George estimated the length of the blade to be about 8 inches. Both complainants were unsure as to which male was holding the knife.

Both defendants shouted at the complainants, demanding the keys to their car. They threatened to use the knife on the complainants if they did not give them the car key. Mr George handed over the key. The complainants were able to get back inside the rear stairwell of the apartment complex and they locked the door behind them.

The defendant was arrested, with KL, at around 8:40am. KL was arrested from the driver's seat of the car. A large, serrated bread knife was found in the driver's side footwell.

For completeness, I note that I am aware that there is another summary charge of motor vehicle stealing, which arises out of the same events. Had I been dealing with the motor vehicle stealing, it would have made no difference to my disposition of the matter because it is largely included in the armed robbery involving the theft of a motor vehicle.

I have been provided with a detailed pre-sentence report prepared for Magistrate Duvnjak, dated 5 February 2026. I have considered its contents carefully. I do not repeat them here. It informs me, amongst other things that the defendant has been on remand at Ashley Youth Detention Centre since 5 December 2025 for matters unrelated to the pre-sentence report. He had consistently engaged in youth justice supervision during his 24-month Probation Order, which continues until 17 June 2026, and he had, at the time of the report at least, completed 10 hours of a 70-hour community service order issued July 2025.

HR experiences high level anxiety, ADHD and sleep issues, but he struggled with the side effects of medication. His mother has been an important conduit to facilitate consistent youth justice supervision and she remains committed to supporting him during his remand and when he returns to the community. Consistent youth justice supervision will resume when HR is released from Ashley Youth Detention Centre.

It need not be said that these offences are extremely serious and if they were committed as an adult, they would undoubtedly attract a sentence of imprisonment measured in years and not months.

The defendant is sentenced to six months' detention, which period I wholly suspend on condition that he commit no offence which if committed by an adult, would be punishable by imprisonment within the period of two years. Given HR's age and his very good prospects of changing his approach to life, I do not record a conviction.

In addition, I make an order pursuant to s 69 of the *Youth Justice Act* a condition of which will be that the defendant complete 105 hours of community service.