



**OFFICE OF THE ABORIGINAL  
AND TORRES STRAIT ISLANDER  
CHILDREN'S COMMISSIONER**

SUBMISSION TO THE JUSTICE, INTEGRITY AND COMMUNITY SAFETY  
COMMITTEE

**MAKING QUEENSLAND SAFER (ADULT CRIME,  
ADULT TIME) AMENDMENT BILL 2025**

*Commissioner Natalie Lewis,*

*Office of the Aboriginal and Torres Strait Islander Children's Commissioner*

*Queensland Family and Child Commission*

**Wednesday 16 April 2025**

## ACKNOWLEDGEMENT OF COUNTRY

The Office of the Aboriginal and Torres Strait Islander Children’s Commissioner acknowledges Aboriginal and Torres Strait Islander peoples as the Traditional Custodians across the lands, seas and skies where we walk, live and work.

We recognise Aboriginal and Torres Strait Islander people as two unique peoples, with their own rich and distinct cultures, strengths and knowledge. We celebrate the diversity of Aboriginal and Torres Strait Islander cultures across Queensland and pay our respects to Elders past, present and emerging.

We acknowledge the important role played by Aboriginal and Torres Strait Islander communities and recognise their right to self-determination, and the need for community-led approaches to support healing and strengthen resilience.

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Thank you for the opportunity to comment on the Making Queensland Safer (Adult Crime, Adult Time) Amendment Bill 2025.

## SUMMARY

I do not support this amendment bill for the following reasons:

- **It significantly increases the risk of the arbitrary and prolonged detention of children**, in breach of Article 37 of the United Nations Convention on the Rights of the Child (UNCRC), which requires that detention be used only as a last resort and for the shortest appropriate period. The Bill expands adult sentencing without adequate safeguards, disproportionately affecting Aboriginal and Torres Strait Islander children and entrenching systemic discrimination.
- **It diverts critical public funds away from early intervention, education, and disability support**, which are essential to upholding children's rights to health (Article 24), development (Article 6), and an adequate standard of living (Article 27). The social and economic costs of further criminalising children will be borne by communities for generations.
- **It lacks clear evidence and fails the best interests and proportionality tests required by international human rights law.** Despite a decline in unique youth offender numbers, the Bill introduces punitive measures that are neither targeted nor justified—placing political expediency above the rights, dignity, and best interests of children.
- **It represents a fundamental neglect of Queensland children's rights, wellbeing, and participation.** The Bill has proceeded without transparent consultation with the children and communities it most affects, undermining Article 12 of the UNCRC—the right of children to be heard and have their views given due weight. It fails to provide pathways for reintegration (Article 40) and recovery (Article 39), further marginalising children already living with the cumulative impacts of poverty, trauma, and unmet health needs.

Long term, transformative change is needed. The experiences and circumstances of children caught up in the youth justice system reflect a series of missed opportunities, a neglect of children's basic needs and fundamental human rights across childhood. The stories of children in conflict with the law are generally characterised as personal failings when they are, more often, stories of systemic failure to see and respond effectively to the needs of children. The escalation of punitive responses to address community safety is not in the interests of victims or of justice, primarily because the incarceration of children is ineffective as a deterrent and in terms of the rehabilitative prospects within a custodial environment.

Active engagement with First Nations children, families and communities and resourcing them to better support their families and children, will empower those communities and uphold their right to self-determination.

Stronger oversight of the youth justice system within a balanced rights framing and improved legal support for children and families, are needed to align with the far more serious sentences now possible. Further, an increased focus on accountability of service systems, including government funded service providers, to actively engage with and provide the supports required to achieve positive outcomes for children and young people, must be a priority. This is a critical, but too often overlooked dimension of community safety.

## KEY ISSUES

### **Risk of arbitrary and prolonged detention**

This Bill adds 20 more offences for which adult sentences can be given by the courts, to the 13 offences that were already legislated. This is alongside other legal restrictions like presumption against bail and removal of the principle of detention as a last resort. It sits alongside a lack of safeguards, like no limit to the number of days children may spend in watch houses, or insufficient monitoring of time spent outside cells while in detention. I note the removal of restorative justice as a sentencing option for the “significant offences to which adult penalties apply” (s175A).<sup>1</sup> This further limits the already small number of diversion options available to courts.

The UNCRC, ratified by Australia in 1990, calls on States to treat every child accused of a crime “in a manner consistent with the promotion of the child's sense of dignity and worth, which reinforces the child's respect for the human rights and fundamental freedoms of others and which takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society.”<sup>2</sup> The proposed addition of offences like stealing, arson against property, and drug trafficking, which are not direct assaults against the person, is widening a net that incarcerates children for many years, at a time of life when the brain is still developing,<sup>3</sup> in places with limited opportunity for rehabilitation. Children’s brains are not adult brains. Therefore, children should not be subjected to adult punishment.

Already, Queensland is the state that jails the most Indigenous children. This should be a cause for shame and reflection, and a catalyst to urgently analyse and respond to the reasons why this small number of First Nations children end up in detention. Instead, these latest amendments leap ahead to a flawed response to improving community safety without first understanding and responding to root causes. This Bill will not help Queensland meet its Closing the Gap target for reducing the number of Aboriginal and Torres Strait Islander children in detention (Target 11). The pipeline of children from youth to adult detention is also likely to worsen the rate of Aboriginal and Torres Strait Islander adults in prison (Target 10). Queensland data for both targets is already worsening and is not on track.<sup>4</sup>

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<sup>1</sup> Queensland government, Making Queensland Safer (Adult Crime, Adult Time) Amendment Bill 2025, Explanatory notes p.3, <https://www.parliament.qld.gov.au/Work-of-the-Assembly/Tabled-Papers/docs/5825T0283/5825t283.pdf>

<sup>2</sup> UN Convention on the Rights of the Child, Article 40(1), available from <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>

<sup>3</sup> Raising children, Brain development: pre-teens and teenagers, available from <https://raisingchildren.net.au/pre-teens/development/understanding-your-pre-teen/brain-development-teens>

<sup>4</sup> Australian Government, Productivity Commission, Closing the Gap Information Repository, available from <https://www.pc.gov.au/closing-the-gap-data/dashboard>

### **Diverting critical public funds away from early intervention, education, and disability support**

The increasing numbers of children in detention, despite the reduction in unique offenders, has led to the construction of a new detention centre in Woodford at a cost estimate in 2024 of \$630M and a new remand centre at Wacol at a cost of \$250M.

To house one child in detention for the equivalent of 12 months costs Queensland \$800,000 or approximately \$251 million a year for 318 children (on an average day)<sup>5</sup> in jail. This is in addition to the cost of building more jails. Given the well-established body of evidence that points to the ineffectiveness of detention in reducing offending, this is an investment in failure. This is money that could be going to health and disability support. This is funding that could be reinvested in building safe communities. This investment could be redirected to ensure that children have safe and stable accommodation, and access to quality, inclusive education experiences. This investment would yield far greater benefits in terms of whole of community safety if repurposed to provide effective, targeted responses for children and young people who are impacted by domestic and family violence and to address the lack of access to timely, quality mental health support when and where it is needed. Investing to support the prosocial participation of children and young people, so that they grow up connected to a community that values them rather than fears them.

The explanatory notes to the Bill acknowledge there is likely to be increased “demand for courts, police, the legal profession, corrective services, and youth justice. The Bill may also increase the amount of time that young offenders spend in detention centres and corrective services facilities, increasing demand for these facilities”.<sup>6</sup> I would add, there are also likely to be more appeals against sentences.

This will drag more money into the criminal system and away from where communities (particularly regional and remote communities) need it – that is, family support, early years health and disability support and funding of local community organisations, including Aboriginal and Torres Strait Islander community-controlled organisations who know their local families and can support them to support their children.

The increased demand on detention centres increases the possibility that children will be separated or isolated while in detention due to lack of staffing. There is evidence of the deterioration in mental health that occurs in these circumstances, culminating in a greater risk of disturbances in detention centres that will affect both staff and children. The disruption and trauma for children and their families, will likely lead to lifelong health issues that both state and federal governments, as well as the community, will be paying for in terms of lost productivity, increased health costs, increased impost on the welfare system, and anti-social behaviour.

In 2023, Queensland’s Child Death Review Board explored in detail the deaths of two First Nations boys who spent time in youth detention and whose disadvantaged families did not receive additional support when the children were young. The children both lived with significant disabilities and poor mental health and had experienced multiple “transactional...episodic...superficial and time-limited exchanges” from Youth Justice. The report goes on to say: “This is counter to evidence of what works, which is relational or relational-based interactions that have a longer-term, more personal, and deeper engagement with the young person”.<sup>7</sup> Neither

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<sup>5</sup> Australian Government, Productivity Commission, Report on Government Services 2025, Youth Justice Services, available from <https://www.pc.gov.au/ongoing/report-on-government-services/2025/community-services/youth-justice>

<sup>6</sup> Queensland government, Making Queensland Safer (Adult Crime, Adult Time) Amendment Bill 2025, Explanatory notes p.4, available from <https://www.parliament.qld.gov.au/Work-of-the-Assembly/Tabled-Papers/docs/5825T0283/5825t283.pdf>

<sup>7</sup> Child Death Review Board annual report, 2022-23, Chapter 3, p.31, available from <https://www.qfcc.qld.gov.au/sites/default/files/2024-08/Child%20Death%20Review%20Board%20Annual%20Report%202022-2023.pdf>

were attending school. Both experienced extended periods of isolation in detention in the year prior to their deaths. One child died by suicide and the other from a drug overdose, before they reached the age of 18. They and their families were failed by multiple systems.

### No evidence of need

The latest Queensland Government Statistician’s Office crime report shows unique youth offender numbers have declined over the last nine years, both as a raw number (a reduction of 2,150) and as a percentage of the population.<sup>8</sup>

**Table 48 Count and rate of unique child offenders by number of police contacts<sup>(a)</sup>**

Unique child offenders	2014–15		2022–23		2023–24		Change in rate	
	number	rate	number	rate	number	rate	1 year	9 years
Number of police contacts in the reference year							— % —	
1	8,924	1,853.2	7,167	1,267.9	6,888	1,191.3	-6.0	-35.7
2	2,738	568.6	2,224	393.4	2,294	396.8	0.8	-30.2
3	876	181.9	870	153.9	828	143.2	-7.0	-21.3
4–9	527	109.4	865	153.0	858	148.4	-3.0	35.6
10 or more	52	10.8	82	14.5	99	17.1	18.0	58.6
<b>Queensland</b>	<b>13,117</b>	<b>2,724.0</b>	<b>11,208</b>	<b>1,982.8</b>	<b>10,967</b>	<b>1,896.8</b>	<b>-4.3</b>	<b>-30.4</b>

(a) Police contacts represents the number of single days a unique offender was proceeded against by police in a reference period for one or more offence types on that day.

Note: Rates are calculated per 100,000 persons. Any rates and change in rates based on small counts (<10) should be interpreted with extreme caution.

While the number of children having four or more police contacts has increased, the figures are tiny - 957 children in 2023-24. The state population of 10–17-year-olds is 577,452<sup>9</sup> and the total population is 5.6 million.<sup>10</sup> This group represents 0.17% and 0.017% of those populations respectively.

This is not a crisis, except for the small number of families and children who suffer these punitive measures.

Given consultation with those likely to be most affected is common practice when preparing new laws, I would like to believe there was consultation with First Nations leaders, communities, families and children, given these are the groups most impacted by Queensland’s youth justice system. However, I fear this may not have been the case due to the rushed nature of the last two rounds of amendments. If so, this is a further example, alongside a dearth of evidence that such laws are needed or effective, of a poor process sitting behind these amendments.

### Not in the best interests of the child

The inclusion of 20 additional offences eligible for adult sentencing fails the best interests test required by Article 3 of the UNCRC: “In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration”. The Bill does not consider how exposing children to harsher penalties, longer detention,

<sup>8</sup> Queensland Government Statistician’s Office Crime report, Queensland, 2023-24, Table 48, p.48, <https://www.qgso.qld.gov.au/statistics/theme/crime-justice/crime-justice-statistics/recorded-crime#current-release-crime-report-qld>

<sup>9</sup> Youth Justice pocket stats, September 2024, available from <https://www.publications.qld.gov.au/ckan-publications-attachments-prod/resources/18621352-f516-455f-b60b-3ece74738eac/youth-justice-pocket-stats-september-2024.pdf?ETag=9063bde891c6009e1878d012a28b1dde>

<sup>10</sup> Queensland Government Statistician’s Office, Queensland population counter, as at 30 September 2024, <https://www.qgso.qld.gov.au/statistics/theme/population/population-estimates/state-territories/qld-population-counter>

and reduced access to diversionary pathways serves their individual best interests. Instead, the Bill's punitive approach disregards children's developmental needs, life circumstances, and potential for rehabilitation. I recognise the Government has adopted an unapologetic position, of putting victims' rights ahead of the rights of children who have committed offences, but I would respectfully submit that this is not an either/or proposition. Community safety, as a primary goal, is not disputed. Justice, as a legitimate expectation, when people have been harmed is also not disputed. The rights of victims are not diminished by a system of justice that upholds the rights of children. Accountability and appropriate consequences for causing harm to others can be achieved, without denunciation or conscious violations of basic human rights of children.

### **Not reasonable, necessary or proportionate**

The 20 additional offences proposed for adult sentencing are collectively not reasonable, necessary, or proportionate, as required by international human rights standards and the UNCRC, particularly Articles 37 and 40. There is no compelling evidence that adding these 20 offences is necessary to improve community safety. Existing legislation already allows serious offending to be given significant sentences. The addition of harsher penalties is inappropriate when early intervention, community-based supports, and culturally safe responses have not been adequately resourced or tested. Tenders for new early intervention programs are open at the same time as this Bill is being considered.

The Queensland Penalties and Sentences act (s.9(2)), still requires a court to use imprisonment of adults as a last resort apart from where violence or abuse is involved. However, the Youth Justice Act now directs courts to actively avoid using this principle. Thus, children are being treated more harshly than adults.

The expansion of adult sentences exceeds what is proportionate to meet the aim of short-term community safety and risks long term social and economic costs.

### **Neglect of Queensland children's rights, wellbeing, and participation**

For the behaviour of 957 children, 0.017% of the population, the Queensland Human Rights Act (QHRA) has been overridden four times since 2023. The override is meant to apply in exceptional circumstances and the examples provided in the QHRA are war, a state of emergency, an exceptional crisis situation constituting a threat to public safety, health or order.<sup>11</sup> The four overrides only provide evidence of our collective incompetence as a community and government in supporting the most disadvantaged children and families in our society early on, before they enter the statutory youth justice system.

As my submission to the 2024 Amendment Bill stated, these changes erroneously separate government obligations to uphold children's rights from community safety. They will not make anyone safer. Instead, we must recognise that these children are themselves victims of poverty, disadvantage, untreated disability or mental illness, and provide them with the care, kindness and relational support they truly need.

Community safety, victims' rights and the rights of young people who have offended, are interdependent not divided from each other. I reiterate this Bill will continue the overcriminalisation of Aboriginal children and Torres Strait Islander children. The disproportionate number of First Nations peoples in youth detention and adult jail is a blight on our society. It damages communities and reduces the opportunity to build positive life outcomes and economic empowerment.

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<sup>11</sup> Queensland government, Queensland Human Rights Act, s43(4), available from <https://www.legislation.qld.gov.au/view/pdf/2019-07-01/act-2019-005>

In September 2024, 3,229 young Queenslanders had at least one proven offence. Of these, 44% had a disability and a further 44% had a mental health or behavioural disorder.<sup>12</sup> While there would be crossover between the two groups, this is also likely an undercount. These children should not be in the criminal system but receiving high quality holistic support to better live with their health and disability, so they may “enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community”.<sup>13</sup>

## SOLUTIONS

There are alternative ways to help children caught up in the youth justice system that will bring about long-term transformative change to the lives of disadvantaged children and families in Queensland and make the community safer in the long run. By embracing a rights framing, the youth justice system can aspire to meet the rights of all parties involved, rather than consistently neglecting some rights at the expense of others.

### **Better community support**

Aligning with government plans to improve regional services, quality early years health, education and disability support must be available to low-income families in regional and remote Queensland.

Funding must be provided to Aboriginal and Torres Strait Islander community-controlled organisations in local areas in at least the same proportion as the representation of First Nations young people in youth justice, that is 50-60% of the program budget. These organisations understand their communities and must be given the autonomy to vary approaches to suit local and individual needs. Communities must be given greater self-determination to support, progress and measure outcomes for children and families.

Recognition of the impact of suppression and heightened police surveillance activities upon youth crime data should be incorporated into public messaging. The cumulative effect of multiple charges surrounding a primary offence (such as breaches of bail etc) can distort the public’s understanding about the level (volume) and nature of crimes being committed by children and young people. Clarity, consistency and transparency of public reporting regarding offending is necessary to understand the effects of reforms, what is working and what is not, as this has a direct relationship with public confidence and perceptions of safety in the community.

I am committed to working with the relevant Government agencies to contribute to increased transparency and accessibility of relevant data through publication of an open access dashboard, monitoring interactions of young people with the youth justice system. A particular focus of this work is contributing to a better understanding of the drivers and dynamics of disproportionate representation of First Nations children and young people across the youth justice system continuum.

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<sup>12</sup> Youth Justice pocket stats, <https://www.publications.qld.gov.au/ckan-publications-attachments-prod/resources/18621352-f516-455f-b60b-3ece74738eac/youth-justice-pocket-stats-september-2024.pdf?ETag=9063bde891c6009e1878d012a28b1dde>

<sup>13</sup> UN Convention on the Rights of the Child, Article 23, available from <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>

All youth justice and child protection data must be publicly reported in a timely way, and disaggregated by age, indigenous status, gender, disability, and geographic location. This transparency will support reform and build self-determination and empowerment for local communities.

Government can engage the community and media in problem-solving and understanding root causes. This can start by explicitly outlining that it is more often poor children, abused children and children with a disability who are most involved in the youth justice system, instead of creating even greater fear through demonising this cohort. Further, one of the most common shared experiences of young people in custody or on supervised youth justice orders is disengagement from education and being subject to School Disciplinary Absences early in their educational journey. This provides a very clear indication of an opportunity to proactively engage, to change the trajectory of children's lives by placing attention and effort on keeping young people on a path to better outcomes. It is a highly effective intervention point to improve the immediate and long-term outcomes for children and an evidence-based strategy for creating safe communities, for everyone.

### **Stronger monitoring and oversight**

Given children and young people are now subject to the possibility of lengthy adult sentences, this must be matched with stronger system oversight. The government can create greater service integration for children and their families by developing a Children's Plan for Queensland and appointing a dedicated Children's Minister. The Minister would have a clear mandate and authority to coordinate and implement the plan across government. This would help ensure a gold standard approach to prevention and early intervention is working as intended with all the involved agencies held accountable.

The disproportionate representation of First Nations children calls for establishment of an independent Aboriginal and Torres Strait Islander Children's Commissioner, which the state government has previously endorsed through the Federal government's National Framework for Protecting Australia's Children 2021-2031.<sup>14</sup> The Commissioner can regularly consult with First Nations leaders, communities, families and children about the effect of the laws on their communities and also provide coordinated system oversight. The Commissioner would have the ability to intervene when the rights of children are not upheld.

Stronger sector funding and system monitoring is necessary to reduce the risks of ill-treatment, isolation, lack of rehabilitation, or lack of support post detention. Robust child rights impact assessments (CRIAs) should be mandated for all proposed legislation and policies affecting children, to ensure potential harms are identified and mitigated early. An example of what such an assessment may look like is at Attachment 1.

Simplified and accessible complaints and monitoring functions should be consolidated across agencies to make it easier for children and families to navigate and resolve issues early. This could include the establishment of a Children's Advocacy and Complaints Hub, led by independent child rights experts and accessible to children directly. This function should be available across the continuum from initial police contact to sentencing and detention.

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<sup>14</sup> Australian government, Department of Social Services, available from <https://www.dss.gov.au/child-protection/resource/national-framework-protecting-australias-children-2021-2031-0>

### **Stronger legal support**

The increased risk of lengthy sentences for children must be matched by well-funded, high quality public legal defence to reduce or avoid flawed justice processes. This will also reduce government exposure to reputational and financial risk.

Other legal and children's court mechanisms must also be reformed, for example:

- strengthen resourcing and capability-building for public defenders working in youth justice
- build a legislated off ramp, for children living with a disability, out of the youth justice system so they can receive the dedicated disability and health support they need to live a decent life
- reform the 'fitness to plead' process that expires every six months and keeps unwell children trapped in an endless loop of court, watch house and jail
- provide court-ordered forensic assessments to support services and families so that when a child or young adult is released appropriate treatment or support can be provided.

### **ABOUT THE OFFICE OF THE ABORIGINAL AND TORRES STRAIT ISLANDER CHILDREN'S COMMISSIONER**

Under the *Queensland Family and Child Commission Act 2014* the Aboriginal and Torres Strait Islander Children's Commissioner is granted functional and operational independence in the exercise of their powers and functions.

Our vision is that

Aboriginal and Torres Strait Islander children grow up strong in their identity, culture, and community, free from systemic racism and discrimination. They are safe, nurtured, and thriving in their families, with systems designed to support, not separate. They exercise their rights, participate in decision making, and contribute to solutions that are aligned to their identities and aspirations.

The child protection and youth justice systems are defined by early intervention, Aboriginal and Torres Strait Islander family-led solutions, and culturally safe care.

The Queensland Government strengthens accountability by integrating child rights into policy, legislation and service delivery.

Should Committee members have any queries about this submission they may contact Amy Lamoin, Executive Director, First Nations and Child Rights Advocacy, via email at [Commissioner@qfcc.qld.gov.au](mailto:Commissioner@qfcc.qld.gov.au).

### Child Rights Compatibility assessment – Making Queensland Safer Bill (2025) (20 new offences)

The table below sets out a child rights assessment of the 20 new offences against the United Nations Convention on the Rights of the Child (UNCRC), as well as key principles such as proportionality, rehabilitation, and detention as a last resort, which are also reflected in Queensland’s youth justice legislation and broader human rights obligations.

It is important to note that disability screening for children is critical across all alleged crimes to ensure that children’s rights, capacities, and support needs are properly understood and upheld within the justice system. Many children who come into contact with the law may have undiagnosed cognitive, developmental, or psychosocial disabilities that affect their behaviour, decision-making, and ability to understand legal processes.

Where a child commits a sexual offence, quality rehabilitation must be provided so that such offending does not continue into adulthood.

Without timely and appropriate screening, these children are at heightened risk of discrimination, unfair treatment, and exclusion from necessary support and diversionary pathways. A fair system must embed comprehensive disability screening as a standard safeguard to protect the principles of non-discrimination, procedural fairness, and to avoid the criminalization of children with disabilities.

Offence	Relevant CRC Articles	Child Rights Conflict	Explanation of Breach
Going armed so as to cause fear	Articles 3, 37, 40	Fails best interests and proportionality principles	Intent-based offences may involve fear or coercion; adult sentencing risks disproportionate punishment without contextual assessment
Threatening violence	Articles 3, 37, 40	Context and level of maturity not considered	May arise from impulsivity or peer influence; criminalisation risks undermining rehabilitation goals.
Attempt to murder	Articles 3, 37, 40	May conflict with detention as last resort	Severity acknowledged but response must still consider age, culpability, and potential for rehabilitation and reintegration.

Accessory after the fact to murder	Articles 3, 37, 40	Fails to account for lesser culpability	Involvement may stem from fear or coercion; adult sentencing does not reflect nuanced roles children play.
Assaulting a pregnant person and killing, or doing grievous bodily harm to, or transmitting a serious disease to the unborn child	Articles 3, 37, 40	Fails to account for context and capacity	While serious, response must remain age-appropriate and aim for rehabilitation.
Torture	Articles 3, 6, 19, 37	Grave offence but child-specific approach required	Even for serious harm, CRC requires child-specific justice systems that avoid automatic adult penalties.
Damaging emergency vehicle when operating motor vehicle	Articles 3, 40	Fails proportionality test	Context often involves panic or reflects evolving maturity; custodial responses may be inappropriate.
Endangering police officer when driving motor vehicle	Articles 3, 40	Fails best interests and age-appropriate response	High-risk behaviour but still requires a child-specific assessment of maturity and rehabilitative alternatives.
Rape	Articles 3, 6, 19, 37	Requires child-sensitive but proportionate approach	Must be addressed seriously, but sentencing must remain consistent with principles of reintegration and non-discrimination.
Attempt to commit rape	Articles 3, 19, 40	Fails to assess maturity and context	Intent-based charge risks disproportionality if applied without developmental assessment.

Assault with intent to commit rape	Articles 3, 19, 40	Fails reintegration and proportionality principles	Intent-based charges risk harsh penalties inconsistent with age-appropriate justice.
Sexual assault, if the circumstance in subsection (2) (involving any part of the mouth) or (3) (while armed, in company, or involving penetration) applies	Articles 3, 19, 40	Context of coercion or group dynamics often overlooked	Must be treated seriously, but children's involvement often lacks intent or full understanding; rehabilitation and reintegration must remain central.
Kidnapping	Articles 3, 37, 40	Fails proportionality when intent or harm unclear	Offending may involve harm or coercion by others; full adult liability is inappropriate.
Kidnapping for ransom	Articles 3, 37, 40	Fails to account for developmental capacity	Serious offence requiring accountability but still must adhere to CRC principles of age-appropriate response.
Deprivation of liberty	Articles 3, 37, 40	Broad charge risks net-widening	May involve minor restraint acts among peers; risks criminalising typical adolescent behaviour.
Stealing, if item 12 (a vehicle) or 14 (a firearm for use in another indictable offence) applies	Articles 3, 37, 40	Fails contextual and maturity/developmental analysis	Frequently linked to group dynamics or peer pressure; adult sentencing undermines potential for rehabilitation.
Attempted robbery, if the circumstance in subsection (2) (armed or in company) or (3) (armed and with violence) applies	Articles 3, 40	Fails proportionality and best interests test	Intent and peer influence frequently misjudged in children; response must focus on diversion and development.

Arson	Articles 3, 37, 40	Fails to assess risk and rehabilitation opportunities	Where no harm to life occurs, adult sentencing breaches requirement for least restrictive measures.
Endangering particular property by fire	Articles 3, 40	Fails proportionality	Non-violent property offences should be addressed with restorative justice options.
Trafficking in dangerous drugs	Articles 3, 19, 33, 40	Fails to recognise coercion and exploitation	Children often recruited by adults or under duress; adult sentencing fails to protect child victims of exploitation.