

NSW Youth Justice Inquiry

2026

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1. About NAPCAN

The National Association for Prevention of Child Abuse and Neglect (NAPCAN) is Australia's leading national organisation dedicated to the prevention of child abuse and neglect through advocacy, education, and community engagement.

We promote the message that child abuse is preventable by addressing the underlying social issues that lead to cycles of abuse, building community capability through evidence-based programs such as Love Bites and Safer Communities for Children, and leading the national conversation through National Child Protection Week.

Our work places the rights of the child at the centre. NAPCAN believes that children and young people are the experts on their own experiences and need to be included in decision-making spaces. As part of NAPCAN's commitment to giving children and young people a voice on issues that affect them, this submission has been prepared by members of the NAPCAN Youth Speak Out council, a diverse group of 20 young people aged 13-25 from every state and territory of Australia. This submission is informed by our own varied experiences, the expertise of NAPCAN staff, and the perspectives of many young people across the country that we have spoken to, including young people with lived experience of youth detention.

2. Executive Summary

This inquiry is an opportunity to strengthen the New South Wales youth justice system by embedding prevention, safety, and equity at its core. In this submission, we emphasise that youth crime is a social issue with social causes. This has been well established by numerous previous inquiries, royal commissions and reports, and we encourage the committee to use the evidence and recommendations already available to inform its outcomes. These investigations consistently reveal the same facts, that no child is born bad and no family wants to interact with the youth justice system, but current funding priorities are setting young people up to fail.

To truly address youth crime, sustained commitment from governments to invest in prevention initiatives is needed. Young people, their families, and their communities must be provided with the supports to ensure all children have access to education, employment, culture, physical and emotional safety, mental health support, financial stability, and housing stability. Solutions must be built around the inherent human rights of the child. For a long time, the focus on punishment has led governments to invest in tertiary responses that are costly and do not provide long-term solutions. Without primary prevention initiatives we will continue to respond too late to children and families who need help, we will continue to entrench another generation in cycles of trauma and disadvantage, and we will continue to have inquiries that yield the same recommendations.

3. Response to Terms of Reference

(a) the underlying drivers of children's contact with the criminal justice system, including but not limited to:

The drivers behind children's contact with the criminal justice system are not unique in New South Wales (NSW), nor are they a result of isolated behavioural choices. Rather, they reflect the cumulative impact of structural disadvantage, developmental vulnerability, cultural disconnection, unmet health needs, and systemic failures across education, child protection, housing, health, and the legal system. Children who enter the youth justice system are among the most vulnerable in Australian society, with a significant overlap across risk domains. Addressing the underlying systemic drivers is crucial to reducing contact with the justice system and achieving long-term community safety.

(i) school disengagement and educational exclusion

School disengagement can be a significant precursor for later contact with the criminal justice system; it can also mean that many young people engaged with the youth justice system may not go on to finish their secondary education (Strnadová et al., 2017). The progression from school disengagement, suspension or expulsion to the justice system has been labelled the 'school-to-prison pipeline' (Strnadová et al., 2017). This pipeline can be seen occurring across Australia, with many young people who have had involvement with the justice system having been disengaged or suspended from school prior to initial contact. This is evident in Victoria, with 65% of young people involved in the justice system having been suspended or expelled according to the 2017/18 Annual Report of the Youth Parole Board, and is likely a very similar narrative in New South Wales (Youth Parole Board Victoria, 2018). Throughout the 'Help Way Earlier' Report, school engagement is listed as a key driver for contact with the justice system, with many interviewees detailing their disengagement as a driving factor (Australian Human Rights Commission, 2024).

Educational success can lead to better employment opportunities and decreased likelihood of contact with the justice system (Strnadová et al., 2017), with two-thirds of children and young people indicating that school was a tool for keeping kids strong and out of trouble (Australian Human Rights Commission, 2024). This remains true too when incarcerated young people have ongoing access to education while inside detention. Blomberg et al. (2011) documented that young people released from juvenile justice systems in the US who completed further education across core subjects whilst in custody were far more likely to return to school and reduce serious offences post-release. School engagement and attendance is a significant form of prevention from later contact with the criminal justice system. There is a myriad of factors that contribute to disengagement, including disengaged parents, conventional schooling, poor engagement with cultural nuances, poorly trained school staff and bullying (Strnadová et al., 2017). The committee must consider strengthening resources and services that support schools and their engagement in appropriate learning for at-risk youth.

(ii) out-of-home care, homelessness and housing instability

There is an irrefutable and well-established relationship between child protection involvement and youth justice contact. In 2022-2023, more than 65% of young people under youth justice supervision in Australia in the previous 10 years had prior contact with the child protection system (AIHW, 2024a). Among First Nations young people, 64% under justice supervision had child protection contact within 5 years, and they are more than 28 times more likely to be in detention than non-Indigenous children (AIHW, 2024b; Australian Human Rights Commission, 2024). This relationship extends to out-of-home care (OOHC), with young people in OOHC being significantly overrepresented in youth justice supervision and court proceedings. Although they comprise a small proportion of the general youth population, approximately 25% of young people in OOHC report youth justice involvement in the past 10 years (AIHW, 2024a). The intersection between care systems and justice systems reflects systemic shortcomings across multiple areas and details a significant driver towards the criminal justice system. Strategies to reduce or prevent offending must therefore centre around child and family wrap-around support to avoid initial contact with child protection and to reduce child maltreatment.

The revolving door correlation between youth justice contact and homelessness/housing instability is complex and under-documented. The number of young people involved with the justice system experiencing homelessness or housing instability would be far higher than is known to services (Pearce et al., 2024). From what we know, across Australia, 1 in 6 children live in poverty, creating ample opportunity for young people to fall into anti-social behaviour (Davidson, P., & Bradbury, B, 2025). Additionally, in 2022-2023, 1,200 young people between 10 and 24 who were released from custody accessed homelessness services (Australian Institute of Health and Welfare, 2024c). Young people who are disengaged from family or care placements often fall into behaviours deemed 'anti-social' but could be seen in fact as relying on survival strategies, including theft, drug sales, or other informal economies, which lead them into contact with police, also known as '*criminalising homelessness*' (Pearce et al., 2024). Justice responses to such conduct often fail to recognise the structural context driving the behaviour. The experience of this duality, homelessness-justice, is also often underpinned by substance misuse and mental health conditions. Of young people with the dual homelessness-justice experience in Australia, 32% report drug and/or alcohol problems, 39% report mental illness, and 15% report repeat homelessness (Pearce et al., 2024). Further understanding the degree of homelessness and justice-involved youth is critical to building essential prevention and intervention strategies to support these young people.

(iii) disability, mental health, and alcohol and other drug (AOD) issues

Children in youth detention exhibit extraordinarily high rates of diagnosed psychological and cognitive disorders. Various research suggests that over 80% of young people in custody have a diagnosed psychological disorder, with 83% in New South Wales meeting criteria for at least one such disorder (Marr et al., 2023; NSW Health & NSW Juvenile Justice, 2016). It is widely understood that the experiences of trauma, victimisation, and unmet health needs prior to any offending behaviour are key drivers towards the criminal justice system for young people. First Nations young people experience

disproportionately higher rates of both health-related issues and disability, with rates of disability among Aboriginal young people 1.7 times higher than their non-Aboriginal counterparts (ABS, 2009). In NSW, it has been documented that 24.5% of First Nations young people in custody had been diagnosed with an intellectual disability compared to 11% of non-indigenous youth (McCausland et al., 2017). This reflects the intersecting impacts of historical and intergenerational trauma, systemic inequality, and limited access to culturally appropriate health services. It should also not go without mentioning that data across the topic of disability and justice-involved youth is extremely limited, and there should be an increased effort to accurately represent the data and figures of these experiences.

Foetal Alcohol Spectrum Disorder (FASD) is one example of a pre-existing health condition strongly associated with justice system contact. FASD can result in cognitive impairments, impaired decision-making, behavioural dysregulation, communication difficulties, memory deficits, and poor understanding of legal processes (McCausland et al., 2017). Young people affected by FASD are estimated to be 19 times more likely to be incarcerated (Popova et al., 2011). One study that came out of Fitzroy Valley in Western Australia indicated some of the highest levels of FASD internationally in the region around 2002, noting that those with FASD are particularly vulnerable to contact with the criminal justice system due to low levels of understanding, lack of diagnosis and disability support (Fitzpatrick et al., 2015; McCausland et al., 2017). Proper diagnosis, coupled with appropriate support, is essential for young people with a disability, particularly FASD. Disabilities, poor mental health and AOD issues are all substantial drivers for initial and sustained contact with the criminal justice system and further incarceration.

(iv) family dysfunction, poverty, and intergenerational trauma

A child's early environment plays a major role in shaping their development and behaviour. Early childhood and adolescence are key periods of brain development when emotional regulation, decision-making, and social skills are forming. When children grow up in unstable or unsafe environments, these developmental processes can be disrupted. Thus, children and young people who experience maltreatment are at a greater risk of criminal activity and entering the criminal justice system. Exposure to domestic violence, coercive control, neglect, or other forms of child maltreatment increases the likelihood of behavioural difficulties, mental health problems, and later contact with the criminal justice system. While not every child who experiences adversity will come into contact with the justice system, many young people who have experienced multiple forms of disadvantage and trauma do. This highlights that children's offending behaviour often reflects cumulative harm and unmet support needs, rather than isolated acts of wrongdoing.

NAPCAN suggests that the committee become familiar with the Australian Child Maltreatment Study (Matthews et al., 2023), which reflects the current landscape of child maltreatment in Australia, including that 62.2% of Australians have experienced some form of child maltreatment.

(b) the availability, effectiveness, and evaluation of evidence-based and community-led responses that prevent offending and reoffending, including:

As the National Association for Prevention of Child Abuse and Neglect, we strongly endorse the use of prevention strategies to address youth offending and reoffending. Prevention is often not prioritised by governments due to its impacts and success being more difficult to measure. Only 15% of government child protection expenditure in Australia is spent on prevention, with the remainder spent on child protection and out-of-home care services (SNAICC, 2024). Key frameworks such as Safe and Supported also place little emphasis on prevention. However as the *Help Way Earlier* Report (AHRC, 2024) highlights, prevention initiatives that target the underlying social causes of youth crime produce better outcomes for young people, their families, their communities, and taxpayers.

(i) diversionary programs and early intervention strategies

Diversionary programs and early intervention strategies are generally highly successful at preventing offending and reoffending. Available evidence also suggests they are more cost effective approaches to addressing youth crime compared to later intervention and response.

Meta analyses

Allard et al. (2007) conducted a meta analysis of eight Australian prevention and early intervention programs. It examined the short- and long-term outcomes of these programs on offending, and found the programs had a reduction in offending of between 18% and 91%. They also found that the cost of intervention was generally offset by the future economic savings. This is important, given that in Australia the cost of housing a young person in detention is now \$1.3 million per young person per year (SCRGSP, 2026).

The 2023 *Jailing is Failing* report from the Justice Reform Initiative had similar findings, showing that early intervention and prevention strategies have helped reduce anti-social and problematic behaviours up to 48% and have a 5-31% annual reduction on specific crimes. It also found that prevention methods prove extremely effective when compared to pre-sentencing detention methods that have shown a 33% increase in recidivism for children and young people (JRI, 2023).

Case studies

There are numerous programs available run by various government and non-profit groups that we would like to highlight. However these programs all generally have greater demand than what they have capability to provide for.

Youth On Track

The Youth On Track Program is delivered by NSW Youth Justice in partnership with community-based non-government organisations, including Aboriginal Community Controlled Organisations. An evaluation of the program (Youth Justice NSW, 2022) found a reduction in reoffending for participants, with greater

reductions the longer participants spent in the program. 62% of participants reduced their risk of re-offending after 3 months in the program, while 100% of participants reduced their risk of re-offending after completing the program. It also found that participants had substantially reduced contact with police. However the NSW Legislative Assembly Committee on Law and Safety found in their 2025 Interim Report that there is not enough funding to meet demand for the program, and caseworkers must prioritise young people with the greatest risk (Parliament of NSW, 2025).

Community Youth Response and Diversion, Queensland Department of Youth Justice

The Queensland Department of Youth Justice's Community Youth Response and Diversion program has supported 1,400 young people aged 10-15 at high risk of offending or reoffending across Queensland. Some of its key initiatives include supporting police to divert young people toward support rather than charging or remanding them in custody, providing intensive case management for young people and their families, providing support for alternative education options for young people who have disengaged from mainstream education, and providing Aboriginal and Torres Strait Islander cultural mentoring support.

A 2023 evaluation of the program (Nous Group, 2023) found strong success, with young people reporting increased prosocial behaviour and positive sense of belonging. In the medium term, 85% of participants improved or maintained their assessed rating against youth justice outcomes. There was a substantial decrease in offending among participants, including a 14% reduction in arson of building, dangerous driving, and non-aggravated sexual assault offences, compared to a 2% reduction for the control group. It also estimated that the program saved between \$7.4 million and \$10.6 million in reduced costs in the 12 months following the program due to reduced offending.

Pathways to Prevention, Griffith University

Griffith University's Pathways to Prevention Project is based in a disadvantaged, high-crime region of Brisbane (Bowley, 2024). This program operated as a research-practice partnership involving families, state preschools and primary schools, and community agency Mission Australia. It focused on the development of oral language and communication skills for 4-year-olds in 2002-03 and saw the reduction of court-adjudicated youth crime among participating children by age 17.

(ii) alternatives to remand and custodial sentencing

In this section NAPCAN refers the Committee to the Australian Institute of Criminology's report into bail and remand for young people in Australia (Richards & Renshaw, 2013). It provides numerous recommendations to minimise the need for remand and custodial sentencing. In addition to a number of indirect measures that reduce the demand for remand and custodial sentencing, such as early intervention and diversionary programs, inter-agency collaboration, and legal support, the report provides a number of direct measures to achieve this goal:

- Access to bail support in regional areas and by young people with complex needs should be reviewed.
- Programs must be sufficiently resourced and supported to provide services for young people with complex needs, including histories of violence.
- Bail programs must be evaluated and their effectiveness monitored, particularly regarding their success in meeting the accommodation and supervisory needs of young people on bail.
- Ensure referrals to a range of bail support and supervisory options are available to all bail decision makers, not just the courts.
- Implement and evaluate programs that aim to support young people and the bail decision maker during bail hearings made after business hours.
- Develop a clearer evidence-based approach to the purpose of bail that is consistent with the UN Convention on the Rights of the Child.
- Changing responses to bail breaches, including diversionary mechanisms for young people who breach bail, and decriminalisation and reduced use of arrest in relation to technical bail breaches.
- Provide greater support for family to attend court hearings and understand bail conditions and the consequences of custodial remand.

NAPCAN endorses the AIC's full list of recommendations.

(iii) support services targeted at at-risk children and families, particularly in regional and remote areas

Parents and families can be a key protective factor for young people at risk of offending if given the proper supports to keep their young people safe. A meta analysis of parenting programs by Piquero et al. (2016) found that early family/parent training programs are effective at preventing antisocial behavior and delinquency in children later on. They highlight three parenting programs that are particularly effective:

- [Parent-child interaction therapy](#), which aims to reduce child behavioural issues by strengthening the bond and communication between parent and child in children aged 2-7.
- [Triple P \(Positive Parenting Program\)](#), which equips parents with the knowledge, skills and confidence to build good relationships, set healthy boundaries and rules, and deliver consequences that are safe for the child's development.
- [The Incredible Years Parenting Program](#), designed for parents of children aged 0-12. It focuses on teaching parents the skills needed to support a child's emotional and social development, and engaging parents in the child's educational outcomes. Different skills and information are taught for different child age groups.

A systematic review of parenting program evaluations suggests that parenting intervention programs lead to a 34-48% reduction in problematic child behaviour (Farrington et al., 2022).

One case study of a whole-of-family approach to at-risk children is the Queensland Department of Youth Justice's Intensive Case Management Program. This is a community-led, evidence-based program designed to reduce youth offending. It provides an integrated framework to work intensively with young people assessed as having a high or very high risk of reoffending, as well as with their family and support network to address the causes of chronic offending and build their capacity to lead a good life. The model uses comprehensive offence profiling and mapping and coordinated stakeholder collaboration to achieve sustainable behavioural change with families.

Difficulty in accessing support is compounded in rural, regional, and remote communities. NAPCAN has an extensive footprint across these areas, and a large number of young people on the NAPCAN Youth Speak Out council come from regional areas. Through these groups we hear of difficulties in accessing support services, including limited availability of services, lack of funding, large travel distances required, inconsistent internet coverage for accessing online services, and enhanced stigma and a lack of anonymity in small communities.


(iv) vocational, training, employment, and mentoring initiatives

The NAPCAN Youth Speak Out council has talked to several young people with lived experience of youth detention, and one of the key challenges that they have consistently raised is the difficulty of transitioning out of youth detention and the sudden loss of support upon release. Young people report struggling to navigate systems they have been isolated from and facing discrimination due to their criminal history when trying to access housing, employment, and education. This greatly raises the risk of recidivism. Therefore robust vocational, training, employment, and mentoring initiatives are essential to support young people in this critical period and reduce the risk of reoffending.

One program that provides this necessary support is the [Confit Pathways](#) program. It began as a program providing mentoring for young people in detention through fitness training and cultural connection, however has expanded to provide wraparound support for young people exiting youth justice. It includes supports such as managing ID documents, interpreting legal and court documents, understanding rental property requirements, vocational skills, and scholarships to university.

However vocational, training, employment, and mentoring initiatives are not only helpful for young people leaving detention, but are also effective as prevention strategies to reduce initial contact with the justice system. A joint study between the University of Sydney and the Department of Communities and Justice reviewed five evidence-based mentoring programs for adolescents and found they reduced the risk of entry into the youth justice system, anti-social behaviour, and criminal activity (Youth Justice NSW, 2021). They further found improvements in substance use, self-perception and autonomy, school participation and engagement, prosocial behaviours and peer/family relationships. Similarly, Sotiri et al. (2024) found that after-school mentoring and training programs led to a reduction in anti-social behaviour of between 6-14%.

Collectively the evidence strongly demonstrates the evidence-based and community-led responses at the prevention, early intervention, and recovery stage are all effective at reducing youth offending and



reoffending. These programs produce better outcomes for young people in more cost effective ways compared to detention. When youth crime is treated as a social issue driven by economic inequality, intersectional disadvantage, and colonial dispossession, it creates an opportunity to uplift children and young people by emphasising their worth and their capacity for growth.

(c) The specific and disproportionate impact of the youth justice system on Aboriginal children, and the adequacy of current strategies to Close the Gap on Aboriginal youth incarceration

While the vast majority of Aboriginal and Torres Strait Islander children and young people grow up in safe and caring homes, they still remain grossly overrepresented across the criminal justice system for a myriad of reasons. Further, Australia is not meeting its current Closing the Gap targets, particularly around youth incarceration and child protection. NAPCAN recommends that the committee extend careful consideration across ACCO and First Nation-led submissions to this inquiry. Additionally, there is a considerable amount of publicly available data on the disproportionate impact that the criminal justice system and incarceration have on First Nations young people and communities and the effects of colonisation that acts as a driving force. We further direct the committee to the recommendations from previous investigations, including the Royal Commission into Aboriginal Deaths in Custody (1991), the Royal Commission into the Protection and Detention of Children in the Northern Territory (2017), and the Review of the National Agreement on Closing the Gap (Productivity Commission, 2024).

(d) alternative youth justice models and frameworks, including:

Comparing the New South Wales youth justice system with approaches used in other parts of Australia and overseas shows some clear differences that point to the need for change. NSW remains largely focused on punishment and formal justice processes for young people, while other jurisdictions have shifted towards approaches that focus more on support, prevention and rehabilitation (Moses & Sotiri, 2025).

(i) examples from other Australian jurisdictions, such as Tasmania

A clear example of this difference can be seen when comparing NSW with Tasmania. While NSW continues to rely heavily on detention and imprisonment (Moses & Sotiri, 2025), Tasmania has been working towards a youth justice system that is more therapeutic, rights based and better connected across services (Premier of Tasmania, 2024). This means the focus is placed on prevention, early intervention, diversion from the justice system, and addressing the underlying reasons why young people offend, rather than responding mainly through punishment.

Tasmania's approach recognises that many young people in the justice system have complex needs, including mental health issues, disability, school disengagement and unstable home environments (Lawrence, 2024). A therapeutic model aims to respond to these needs by providing support that young people may not have received earlier, instead of treating offending behaviour in isolation. The aim is to reduce reoffending by helping young people address the factors that led to their justice involvement in the first place.

A key part of Tasmania's reform agenda is a whole system approach (Department for Education, Children and Young People, 2023), which draws on models used internationally, particularly in Scotland. This approach brings together services such as health, education, child protection, community services and justice, so that responsibility for supporting young people does not sit with the justice system alone (Department for Education, Children and Young People, 2023). Better coordination across services increases the chance that young people receive consistent and appropriate support.

Tasmania has also aimed to reduce the use of youth detention and move away from outdated detention facilities, with a focus on investing more resources into community-based programs and early intervention (Department for Education, Children and Young People, 2023). This reflects growing evidence that detention is costly and often ineffective, while community-based responses are more likely to achieve better long-term outcomes for young people (Teerman, 2026).

(ii) international best-practice models, including those in Scotland, England and Wales, and Scandinavian countries

Scotland provides a strong international example of this approach. Its whole system approach focuses on diverting children away from court processes wherever possible, providing early support, and relying on community-based responses rather than custody (Scottish Government, 2025). This model shows how youth justice systems can reduce formal justice involvement while still supporting community safety and positive outcomes for young people.


However, it is important to recognise key contextual differences between Scotland and Australia. Scotland does not have an Indigenous population that experiences the same level of historical disadvantage and overrepresentation in the youth justice system as Aboriginal and Torres Strait Islander young people in Australia. In NSW, Indigenous young people are significantly overrepresented in detention, and any reform must address this directly. In addition, Australia faces greater geographic challenges, including large rural and remote areas where access to health, education, disability and community services can be limited. These factors mean that while Scotland's principles are valuable, they cannot simply be transferred directly into the NSW context without adaptation.

England and Wales provide another useful comparison, as they sit somewhere between a traditional justice system and more welfare-based models (Wales Safer Communities, n.d.). While youth courts and detention are still used, there has been a strong emphasis on multi-agency and community-based responses. A key feature of this system is the use of Youth Offending Teams, which brings together professionals from justice, health, education, housing and social services to work with young people who come into contact with the system (GOV.UK, 2011).

These teams aim to divert young people away from custody where possible and provide coordinated support that addresses the factors contributing to offending. While England and Wales still rely on formal justice processes more than jurisdictions like Scotland, this model highlights the value of shared responsibility across agencies, rather than placing the weight solely on the justice system (Wales Safer Communities, n.d.). Smaller, more therapeutic custodial settings, such as secure children's homes, are also used in place of large detention centres, with a greater focus on education and wellbeing (The Howard League for Penal Reform, 2012).

Scandinavian countries, including Norway, Sweden and Finland, represent a more distinct shift away from traditional youth justice systems. These systems are largely based on a child welfare approach, where youth offending is treated primarily as a social and developmental issue rather than a criminal one (Storgaard, 2005). Detention is used very rarely and only as a last resort, with strong emphasis placed on family support, education, mental health services and community-based interventions (Storgaard, 2005).

A key feature of many Scandinavian systems is a higher minimum age of criminal responsibility, which limits early contact with the justice system and reduces the risk of long-term justice involvement



(Storgaard, 2005). Young people who display harmful or risky behaviour are more likely to be supported through welfare and social services rather than criminal processes. This approach is associated with low rates of youth detention and lower levels of reoffending compared to more punitive systems.

Across these national and international examples, several common principles emerge that are relevant to the NSW context. These include prioritising early intervention and diversion, limiting the use of detention, and ensuring that youth justice responses are coordinated across health, education, child protection and community services. Many successful models also focus on addressing the underlying causes of offending, such as trauma, disability, mental health needs and social disadvantage, rather than responding to behaviour alone.

Importantly, these models demonstrate that improving outcomes for young people does not require a reduction in community safety. Instead, they suggest that support-focused, integrated approaches are more effective in reducing reoffending and breaking cycles of long-term justice involvement. While NSW operates within a different legal and policy environment, these examples highlight practical principles that could be adapted to strengthen youth justice responses and reduce reliance on detention.

(h) the long-term social and intergenerational impacts of youth justice involvement, including:

Examining the long term impacts of youth justice involvement highlights broader consequences that extend beyond the period of detention itself. While youth justice systems are often framed as short term responses to offending behaviour, research shows that contact with detention can significantly shape a young person's future trajectory (Parliament of Australia, 2023). These impacts are not limited to the individual but can affect families and communities across generations (Parliament of Australia, 2023).

(i) pathways between youth detention and adult incarceration

A consistent finding across Australian and international research is the strong relationship between youth detention and later adult imprisonment (Ewenson, 2024). Young people who experience detention are significantly more likely to have continued contact with the justice system as adults compared to those who are diverted or supported in the community.


Detention can disrupt education, employment pathways and social development at a critical stage of life (Ewenson, 2024). Time spent in custody often interrupts schooling and reduces engagement with positive supports (Ewenson, 2024). As a result, young people may return to the community with fewer opportunities and increased disadvantage, which can contribute to further offending (Ewenson, 2024).

Custodial environments may expose young people to more serious offending behaviours and peer influences. While detention can provide temporary safety and structure, young people often form close peer bonds within custody that, although supportive, can also normalize justice system involvement and reinforce criminal identity (Ewenson, 2024). Exposure to punishing practices and violence, including from staff, further embeds these patterns. Research indicates that over half of young people released from detention return to some form of criminal justice supervision within 12 months, suggesting that early contact with detention can contribute to ongoing justice system involvement and potentially create a pathway from youth detention into the adult prison system (Ewenson, 2024).

In addition, the long term consequences of having a criminal record, including barriers to employment, housing and education, can limit a young person's ability to reintegrate successfully. These structural barriers increase the risk that justice involvement becomes entrenched over time (Ewenson, 2024).

(ii) impacts on families and communities

The impacts of youth justice involvement extend beyond the individual young person. Families often experience emotional stress, financial strain and disruption when a child is detained. Detention can interrupt family relationships and reduce the ability of parents or carers to provide consistent support (Ewenson, 2024).



Where detention facilities are located far from home, families may face significant travel costs and practical barriers to maintaining contact. Reduced family connection during detention can negatively affect both the young person's wellbeing and their prospects of successful reintegration (Ewenson, 2024).

At a community level, high rates of youth justice involvement can contribute to ongoing social disadvantage. In particular, the overrepresentation of Aboriginal and Torres Strait Islander young people in the youth justice system means that detention can have intergenerational impacts within communities already affected by historical and systemic disadvantage (Ewenson, 2024).

When justice system contact becomes common within certain communities, it can weaken trust in institutions and reinforce cycles of exclusion. Children growing up in families affected by incarceration may experience instability, trauma or disengagement from school, increasing their own risk of future justice involvement (Ewenson, 2024).

Across these considerations, it becomes clear that youth justice responses carry long-term social consequences. The connection between youth detention and adult incarceration, combined with broader family and community impacts, highlights the importance of approaches that prioritise diversion, early intervention and community based support. Reducing reliance on detention is not only a short-term policy issue but also a strategy for preventing long-term and intergenerational harm.

(j) any other related matters

It is important to highlight the political context in which this inquiry is taking place. Despite an overall reduction in rates of youth crime (AIHW, 2025), politicians and the media have increasingly focused on youth crime as a key issue, and voters have responded. State and territory elections have been won on a 'tough on crime' approach to young people, and we see increasingly punitive laws being passed that harm children and put Australia at odds with our human rights obligations. When an entire cohort of young people is stigmatised, it becomes harder to address the issues they face. Community leaders no longer speak positively about youth and public support is compromised.


Therefore, we have some concerns about the purpose of this inquiry. If the committee truly intends to uncover, recommend, and implement practical and cost-effective solutions that prevent crime by supporting young people, then we welcome this inquiry. However we are concerned that it may be used simply to provide more justification for the already longstanding approach to youth justice as punishment.

The representation of children and young people in the media is one of the issues that the NAPCAN Youth Speak Out council has consistently identified as one of the key issues affecting them. NYSO members report increasing experiences of stigma and racial profiling from the general public, worse than they have ever experienced. For this reason we have been running our Fair Youth Coverage campaign with the support of Her Excellency the Governor General Sam Mostyn AC. This campaign aims to spotlight the strength of young people and showcase the many young people doing positive work in their communities around the country, while calling on media and journalism courses to raise their standards. We challenge politicians and the media to engage with a strengths-based narrative that supports the wellbeing of children and young people and that creates the political will for meaningful positive initiatives for communities.

4. Key Recommendations

NAPCAN provides several key recommendations to the committee:

1. **Commit increased and sustained investment into prevention** initiatives, including:
 - a. **Parent and family support initiatives** at all stages of the child's development. This should begin with supports at the prenatal stage to reduce the risk of Foetal Alcohol Spectrum Disorder, and continue through to late adolescence, equipping parents and families with the skills and knowledge to break intergenerational cycles of abuse and support the child's healthy emotional development at all stages.
 - b. **Whole-of-community initiatives**, which create a consistently supportive and nurturing environment across all key locations of the young person's life, including home, school, religious institutions, medical services, sports clubs, and support services.
 - c. **Addressing the underlying social causes** of youth offending, including but not limited to housing insecurity, intergenerational trauma, lack of educational and employment opportunities, contact with the child protection system.
2. **Implement the findings, where relevant to the NSW context, from previous investigations**, including but not limited to:
 - a. The Australian Human Rights Council's 2024 *Help Way Earlier* report
 - b. The Productivity Commission's 2026 review of the National Agreement on Closing the Gap
 - c. The 1991 Royal Commission into Aboriginal Deaths in Custody
 - d. The 2017 Royal Commission into The Protection and Detention of Children in the Northern Territory
 - e. The 2023 Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability
 - f. The 2026 Interim Report of the NSW Select Committee on Foundational and Disability Supports Available for Children and Young People in New South Wales
 - g. The Australian Institute of Criminology's 2013 report into Bail and Remand for Young People in Australia
 - h. The ongoing findings of the NSW Legislative Assembly Committee on Law and Safety, particularly their:
 - i. 2025 Interim Report on Community safety in regional and rural communities: addressing the drivers of youth crime through early intervention.
 - ii. 2018 Inquiry into the adequacy of youth diversionary programs in NSW.
3. **Ensure solutions are codesigned with young people**. Young people are best placed to inform the committee and the government about solutions that work for them. This should include:

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- a. Consulting with young people who have lived and living experience of youth detention.
 - b. Consulting with young people who have experience engaging with diversionary programs run by community-led organisations, particularly ACCOs, including both positive and negative experiences.
 - c. Feedback and accountability mechanisms to ensure young people understand how their voice is being used.

5. Conclusion

Youth crime is preventable. Governments must centre the rights of the child by investing in what children, families, and communities need to thrive. At a time when governments are increasingly turning to 'tough on crime' approaches to win elections, we challenge the NSW government to radically commit to investing in prevention. Supporting the conditions to ensure young people stay out of the criminal justice system has been shown time and again to save governments money and produce better outcomes for all stakeholders involved. The evidence has been well established by previous inquiries and reports. Now is the time for shifting conversation to action.

6. Contact

This submission has been prepared by Alice Dolin, Oliver White, and Maryana Al-Hilaly of the NAPCAN Youth Speak Out council.

If you wish to discuss this submission, please do not hesitate to contact NAPCAN's Chief Executive Officer, Leesa Waters at leesa.waters@napcan.org.au.

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