



SUPPLEMENTARY EVIDENCE | SENATE LEGAL AND CONSTITUTIONAL AFFAIRS REFERENCES COMMITTEE

# Lived Experience, Trauma and Systemic Failure in Australia's Youth Justice System

Supplementary Evidence — National Lived Experience Commission

June 2026 | Submitted to the Senate Legal and Constitutional Affairs References Committee | Inquiry into Australia's Youth Justice and Incarceration System

## Note to the Committee

The National Lived Experience Commission (NLEC) was established on 17 June 2026, after the formal submission deadline for this inquiry. NLEC respectfully requests that the Committee accept this supplementary evidence, noting that it provides an independent, evidence-based framework for understanding the lived experience dimensions of youth justice reform that is directly relevant to the Committee's terms of reference.

## 1. About NLEC and This Submission

The National Lived Experience Commission (NLEC) is a registered national Australian charity with a recognised charitable purpose of advancing public debate. NLEC converts lived experience into structured systems intelligence — identifying recurring patterns of preventable harm, governance failure and service-system dysfunction across Australia's social, health, justice, housing, disability and community service systems.

NLEC makes this supplementary submission to the Senate Legal and Constitutional Affairs References Committee's inquiry into Australia's youth justice and incarceration system. NLEC's submission focuses on three dimensions of the inquiry that are directly relevant to NLEC's evidence mandate: the lived experience of young people in the youth justice system; the intersection of youth justice with disability, mental health and child protection; and the standards required for genuine co-design of youth justice reform.

## 2. The Lived Experience Dimension of Youth Justice Reform

NLEC's 2026 National Lived Experience Intelligence Report assesses the Justice and Corrections domain as Serious — with First Nations over-representation, rehabilitation failures and the intersection of justice with mental health and disability identified as the most urgent issues. The report notes that the lived experience of people in contact with the justice system is almost entirely absent from system design processes.

This absence is particularly acute in youth justice. Young people in contact with the youth justice system are among the most marginalised and least heard in Australian policy processes. They are disproportionately First Nations, disproportionately living with disability or neurodivergence, disproportionately survivors of trauma and abuse, and disproportionately in contact with child protection systems. Their lived experience of the youth justice system — including the experience of detention, police contact, court processes, diversion programmes and post-release support — is the most important source of intelligence about what works and what fails in youth justice reform.

### 2.1 The Intersection of Youth Justice with Disability and Neurodivergence

The evidence before the Committee from other submissions demonstrates that young people with disability and neurodivergence — including intellectual disability, acquired brain injury, ADHD, autism and fetal alcohol spectrum disorder — are significantly over-represented in the youth justice system. NLEC submits that this over-representation is not explained by individual characteristics. It reflects the failure of education, health, disability and child protection systems to identify and support young people with disability before they come into contact with the justice system.

NLEC's submission is that youth justice reform cannot be credible without addressing the disability and neurodivergence dimension — including: mandatory disability screening at first contact with the youth justice system; access to disability supports in detention; and diversion pathways specifically designed for young people with disability.

2.2 The Intersection of Youth Justice with Child Protection

NLEC's 2026 Intelligence Report assesses the Child Protection and Out-of-Home Care domain as Serious, noting that First Nations children remain massively over-represented in out-of-home care and that care leavers consistently report inadequate preparation for leaving care. The evidence before the Committee demonstrates a strong correlation between out-of-home care experience and youth justice contact — a pattern sometimes described as the "care-to-custody pipeline."

NLEC submits that youth justice reform must address the care-to-custody pipeline explicitly, including: trauma-informed responses to young people in care who come into contact with the justice system; diversion pathways that address the underlying trauma and instability that drive offending behaviour; and post-release support that addresses housing, education, employment and mental health needs.

2.3 First Nations Over-Representation

NLEC's 2026 Intelligence Report notes that First Nations Australians are imprisoned at 13 times the rate of non-Indigenous Australians — a rate that has worsened over the past decade. For young people, the over-representation is even more stark. NLEC submits that First Nations over-representation in the youth justice system cannot be addressed without genuine self-determination — the involvement of First Nations communities, families and young people as genuine partners in the design and governance of youth justice responses in their communities.

3. Standards for Genuine Co-Design of Youth Justice Reform

NLEC's National Co-Design Standards Framework establishes seven standards that must be met for a process to constitute genuine co-design. NLEC submits that youth justice reform must meet these standards — with particular emphasis on the involvement of young people with lived experience of the youth justice system as genuine partners in reform design.

The Committee's terms of reference expressly require engagement with young people with lived experience in youth justice. NLEC submits that this engagement must go beyond consultation — it must involve young people in genuine decision-making about the reforms that will affect them. This requires: fair remuneration for participation; trauma-informed engagement processes; accessible formats and locations; and genuine accountability for how young people's input shapes reform outcomes.

4. Recommendations

R1

Mandatory Disability Screening and Support

The Committee recommend mandatory disability screening at first contact with the youth justice system, access to disability supports in detention, and diversion pathways specifically designed for young people with disability and neurodivergence.

## R2 Care-to-Custody Pipeline Intervention

The Committee recommend specific legislative and policy measures to address the care-to-custody pipeline, including trauma-informed responses to young people in care who come into contact with the justice system, and post-release support that addresses housing, education, employment and mental health needs.

## R3 First Nations Self-Determination in Youth Justice

The Committee recommend that First Nations communities, families and young people be involved as genuine partners — not merely consulted — in the design and governance of youth justice responses in their communities, with funding for community-controlled diversion and support programmes.

## R4 Genuine Co-Design with Young People

The Committee recommend that all youth justice reform processes meet the standards of genuine co-design, including the genuine involvement of young people with lived experience of the youth justice system as partners in reform design, with fair remuneration, trauma-informed engagement and public accountability for how their input shapes outcomes.

## R5 National Minimum Age of Criminal Responsibility

The Committee recommend the establishment of a national minimum age of criminal responsibility of at least 14 years, consistent with the recommendations of the Royal Commission into the Protection and Detention of Children in the Northern Territory and the position of the UN Committee on the Rights of the Child.

## R6 Independent Lived Experience Monitoring of Youth Justice

The Committee recommend the establishment of an independent lived experience monitoring function for the youth justice system, with the mandate to gather, analyse and publish evidence on the lived experience of young people in contact with the youth justice system, including the experience of detention, diversion, rehabilitation and post-release support.

***"Youth justice reform that does not genuinely involve young people with lived experience of the system will not produce the outcomes those young people need. That is not a values statement. It is an evidence finding."***

— National Lived Experience Commission, June 2026

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