



Save the Children

54 reasons

FROM CHILD VICTIMISATION TO YOUTH JUSTICE:

Practical opportunities to address the intersection of youth justice involvement and domestic, family and sexual violence victimisation

AUGUST 2026

Acknowledgements

We acknowledge the Traditional Custodians of the lands on which we come together and recognise that these lands have always been places of learning for Aboriginal and Torres Strait Islander peoples. We honour and pay respect to all Aboriginal and Torres Strait Islander Elders – past and present – and acknowledge the important role of Aboriginal and Torres Strait Islander voices and their ongoing leadership in addressing family, domestic and sexual violence, and intergenerational harms. These always were and always will be Aboriginal lands.

We acknowledge victim-survivors of all forms of domestic, family and sexual violence, including those who died by suicide. We acknowledge children as victim survivors of violence and abuse in their own right.

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About this submission

This submission has been prepared by Kate Fitz-Gibbon and Matt Tyler drawing on a growing body of Australian and international evidence regarding children's experiences of domestic, family and sexual violence, child protection, out of home care, and youth justice systems. This submission presents findings from consultations undertaken in July 2026 with over 200 Australian frontline practitioners, Children's Commissioners, sector leaders, academics, policy experts and youth advocates as part of the 54 reasons commissioned consultation project *From Recognition to Action* which examined priorities for the Second Action Plan under the National Plan to End Violence against Women and Children 2022–2032 (see further Fitz-Gibbon and Tyler, 2026).

The consultation project involved 26 in-depth interviews with 33 people, 10 stakeholder focus groups with 74 people, two focus groups with eight youth advocates, and an online survey which was completed by 119 individuals. The findings from that consultation are included in a separate report; *From Recognition to Action: Delivering for Children and Young People Through the Second Action Plan to End Violence Against Women and Children*. Throughout this submission, we draw from that data as it relates to youth justice policy and practice.

In this submission, we have incorporated quotes from young people included in the *Missing Pieces* report (Hoffman & Hill, 2025). These young people were engaged with 54 reasons' youth justice services during 2023–2024. The inclusion of these children's voices reflects our shared commitment to ensuring that the perspectives and lived expertise of children and young people shape policy, research and advocacy efforts. We note that the children who participated in the 54 reasons *Missing Pieces* work had experience of the youth justice system but that information was not collected on their experiences of victimisation.

The response to child victimisation currently sits across three major Federal Government policies:

- i. the National Plan to End Violence against Women and Children 2022–2032;
- ii. the National Strategy to Prevent and Respond to Child Sexual Abuse; and
- iii. The National Framework for Protecting Australia's Children 2021–2031.

The Federal Government is currently consulting on development of the Second Action Plans under each of these policies as well as several related action plans specific to Aboriginal and Torres Strait Islander Australians.

We have a clear understanding of the scale of child victimisation across Australia. The 2023 Australian Child Maltreatment Study (Haslam et al., 2023; Mathews et al., 2023) found that child maltreatment is "endemic" with nearly one in three Australian children experiencing physical abuse, 28 per cent sexual abuse, over 30 per cent emotional abuse and nearly 2 in 5 Australian children growing up in a household where there is domestic and family violence. Within this, First Nations children, children with disabilities, and children from culturally and racially diverse backgrounds are disproportionately affected by victimisation and the impacts of violence and abuse. In turn, these same groups of children are overrepresented as it relates to involvement in the youth justice system.

Children in conflict with the law, including those in the youth detention system, are more likely than not to have experienced domestic, family and sexual violence, child abuse and neglect. Yet to date, these children have remained largely absent from efforts under each of the three Federal Government policies outlined above. In this submission, we set out why recognising children as victim-survivors in their own right requires the Second Action Plans that are currently under development to explicitly address the intersection between child victimisation and youth justice.

Ultimately, better addressing the needs of children and young people who have been victim-survivors first and foremost would serve to significantly mitigate against their subsequent youth justice involvement (see further Fitz-Gibbon and Tyler, 2025). Specific actions to improve the domestic, family and sexual violence response for children and young people across the four pillars of the National Plan are outlined in *From Recognition to Action* (Fitz-Gibbon and Tyler, 2026). Building on this, our focus in this submission is to identify the actions that should be taken through the Second Action Plans relating to improving the youth justice system and the experiences of young people in conflict with the law.

The recommended actions identified in this submission focus on the practical opportunities for Commonwealth leadership that align with existing federal policy, complement state and territory responsibility for youth justice legislation and practice, while also strengthening Australia's implementation of the Convention on the Rights of the Child (CRC). By identifying these actions, our objective is to set out the opportunities for state, territory and commonwealth governments to ensure that youth justice is better recognised and responded to as a national violence prevention, early intervention, recovery and child wellbeing issue.

Given the purpose of this submission, the actions identified sit at a level of aggregation that does not sufficiently acknowledge nor do justice to the diversity that exists as it relates to children and young people impacted by the youth justice system. The actions identified are “system-wide” with the need to tailor responses as part of detailed design, implementation and delivery efforts. While we reference specific groups of children who are disproportionately impacted by the youth justice system, we have not sought to complete that work as part of this submission. However, neither do we underestimate the importance of reflecting the diversity that exists among children and young people as part of efforts to meaningfully improve their lives, safety and wellbeing as well as in the work to improve the operation of youth justice systems across Australia.

Why youth justice is a domestic, family and sexual violence issue

Recognising children and young people as victim-survivors in their own right requires governments to acknowledge the diverse ways that experiences of domestic, family and sexual violence victimisation shape children's lives and trajectories. One of the most significant, yet often overlooked, manifestations of this is the over-representation of victim-survivors within Australia's youth justice systems.

I see myself as an injured lost boy trying to find myself.

– Participant, 18yrs, QLD

I find it hard to think about things that make me happy – sometimes it doesn't seem like it will ever happen.

– Participant, 18yrs, QLD

Across Australia, there has been increasing policy attention on youth offending, accompanied in many jurisdictions by legislative reforms that have expanded the use of detention, reduced opportunities for diversion and rehabilitation, and adopted increasingly punitive responses to children in conflict with the law (Australian Human Rights Commission, 2024; Centre for Excellence in Child and Family Welfare, 2025; Dickson, 2025; Fitz-Gibbon & Tyler, 2025; Walsh, 2025). While responsibility for youth justice legislation rests with state and territory governments, these reforms have significant implications for the objectives set out in relevant Federal Government policy including the National Plan to End Violence against Women and Children (DSS, 2022), the National Strategy to Prevent and Respond to Child Sexual Abuse (National Office for Child Safety, 2021) and the National Framework for Protecting Australia's Children 2021–2031 (DSS, 2021). **A national effort to prevent violence against children cannot succeed if it overlooks one of the groups of children and young people most profoundly affected by violence and trauma.**

Evidence consistently demonstrates that children and young people who come into contact with the youth justice system are disproportionately victim-survivors of violence, abuse and neglect. Research has found that:

- Approximately nine in 10 children in youth detention have experienced a combination of maltreatment and household dysfunction (Malvaso et al., 2022).
- Between half and two-thirds have previously been involved with child protection services (Australian Institute for Health and Welfare, 2022; Baidawi & Sheehan, 2019).
- Children who have had contact with the child protection system are between nine and eleven times more likely than other children to experience youth justice supervision (Baidawi & Sheehan, 2019). This overlap between child protection and

What kept me disconnected was when I was placed in foster care. This was a different culture. I ran away because I didn't feel like I belonged there.

– Participant, 16yrs, NT

youth justice, often referred to as "cross-over" kids, is particularly pronounced for Aboriginal and Torres Strait Islander children and young people, reflecting the cumulative impacts of colonisation, intergenerational trauma and structural disadvantage (Australian Institute for Health and Welfare, 2022; SNAICC, 2017; Yoorrook Justice Commission, 2023).

Importantly, we caution that the pathways into the youth justice system for young victim-survivors are not deterministic. There are many children and young people in Australia who experience different forms of domestic, family and sexual violence and will never go on to use violence or come into conflict with the law. However, among those children who do enter the youth justice system, experiences of victimisation are common and are key to understanding and addressing their pathways into offending. In *Help Way Earlier*, the Australian Human Rights Commission (2024, p. 58) concluded:

"Early abuse, violence and trauma are among the social determinants of child justice. Stakeholder submissions suggest that many children in the justice system have been victims of violence and abuse prior to their contact with the system. While the majority of children who are abused and neglected do not go on to offend, a large proportion of children who do offend have these histories, and this is particularly so for children in detention."

Contact with the youth justice system is often not an isolated event but rather reflects a broader trajectory of cumulative disadvantage, repeated system contact and unmet safety and support needs. Rather than receiving a timely therapeutic response to their initial experiences of victimisation, these young victim-survivors may first encounter intervention through policing and detention, only after they have used violence or offended themselves. Unsurprisingly, evidence clearly demonstrates that punitive justice responses do little to address the impacts of trauma for these young people, to improve longer-term safety needs or to reduce reoffending. Instead, research finds that punitive responses to offending by young people often compound harm, disrupt education and family relationships, and increase the likelihood of ongoing criminal justice involvement into adulthood (see, among others, Royal Commission into the Protection and Detention of Children in the Northern Territory, 2017).

Recognition among Children's Commissioners, academics, sector leaders and frontline practitioners that youth justice is a domestic, family and sexual violence issue

Although youth justice was not the primary focus of the consultation project (regarding the broader consultation project findings, see Fitz-Gibbon & Tyler, 2026), it emerged repeatedly throughout the interviews and focus groups as an issue that should be explicitly addressed within the Second Action Plans that are currently being developed by the Federal Government. Children's Commissioners, academics, frontline practitioners and sector leaders consistently described youth justice as a critical part of Australia's response to domestic, family and sexual violence, emphasising that many children entering youth justice have experienced significant violence, abuse and trauma long before they come into contact with the justice system.

Stakeholders consistently argued that policy responses should move beyond viewing youth justice solely through a criminal justice lens and instead recognise children's earlier experiences of victimisation and the missed opportunities for prevention and early intervention. One stakeholder reflected:

"Those teenagers who are using really extreme violence in the community were little children once, and what was going on then? And where were we then? And how do we identify those risks and concerns then? So, yes, I think that we know that these young people enter the youth justice system continue to use and are likely to end up in the adult system, so it has to be a part of this plan, because it is a part of the way violence is used in Australia." (FG6)

Participants also challenged the increasingly punitive direction of youth justice policy at the state and territory levels, arguing that detention cannot address the underlying impacts of trauma and violence experienced by many children in conflict with the law. One stakeholder commented:

"trauma literature talks about trauma that happens in relationships needs to be healed in relationships, but they lock them up. They disengage them from their family. They disengage them from their community. They don't do that therapeutic work within those relationships, then they release them back to those relationships that have had no healing, haven't actually ever formed a healthy attachment from those early infant years, but they've treated their violence because they were in youth justice. So, I think when we continue to miss ... all of this research evidence about working and supporting systemically, then yes, it's not ... It's absolutely not working and it's absolutely a part of this action plan." (FG)

This stakeholder was not alone in pointing out that the current punitive approach to youth justice being increasingly adopted at the state and territory level runs counter to the evidence base on 'what works'. One Commissioner interviewed commented:

"we have evidence of what actually keeps communities safer, which is what they're voted in to do. They're not doing it, but they don't tell the public the truth that they're not doing what the evidence says. They're just going to lock up more children, which doesn't work." (CommissionerB)

Rather than seeing youth justice as a separate challenge, throughout the consultation, stakeholders repeatedly linked children's involvement in youth justice and recent youth justice reforms to domestic, family and sexual violence – acknowledging the common presence of earlier system failures across child protection, education, health and family violence systems in these young people's lives. Reflecting on their time visiting youth detention facilities, one Commissioner commented:

"The kids I met in prison, I never met one who didn't raise in some way or another that violence was a factor at home that led to kids doing crime, right? But every kid who's in jail, you could pretty much say almost every kid has experienced DFSV ... preventing violent experiences in childhood is a ... powerful prevention opportunity because it prevents the other types of harm to them and the community later on." (CommissionerB)

Another stakeholder reflected:

"Where were we back then when the problems were bubbling? And then all of a sudden there's this panic because this young person is starting to use all sorts of problematic behaviours and there's just this kind of reactivity. We're the mouse on the wheel trying to keep up with the problems that there's no opportunities to be preventative and actually intervene when we've got an unborn baby or we've got a child who's one or two." (FG6)

This emphasis on missed opportunities for earlier intervention was reinforced across the consultation interviews and focus groups. Another stakeholder explained:

"Generally, I think by the time youth justice has visibility, we've missed a lot of other opportunities. But I think everything we know, in terms of the childhood experiences of young people that are not in the justice system, definitely opportunities there for a more family violence-informed lens, as an early intervention to break cycles." (FG5)

Stakeholders argued that youth justice should be understood within a broader, integrated understanding of children's experiences of violence, trauma and wellbeing. As one focus group participant put it:

"Family violence, mental health, youth justice, they are together." (FG4)

Collectively, these perspectives demonstrate strong support across the consultation for recognising youth justice as a domestic, family and sexual violence issue. Stakeholders consistently described children's contact with the youth justice system as reflecting cumulative experiences of victimisation, unmet support needs and missed opportunities for earlier intervention. They viewed the Second Action Plans as an important opportunity to strengthen national leadership by embedding child-centred, trauma-informed and therapeutic responses that better recognise children in youth justice as victim-survivors in their own right and interrupt pathways from childhood victimisation into ongoing justice system involvement.

The opportunity for national leadership

“Why are you not happy to override the abuses of children's rights that are currently happening in the Northern Territory?” (CommissionerE)

The high prevalence of victimisation among children in youth justice reflects missed opportunities for prevention, early intervention and healing in the lives of young victim-survivors. Embedding a stronger focus on children involved in youth justice within the Second Action Plans would strengthen alignment with the National Plan's commitment to recognise children as victim-survivors in their own right, while reinforcing the shared objective of reducing both victimisation and future use of violence through evidence-informed, trauma-responsive and child-centred approaches.

Although legislative responsibility for youth justice rests with state and territory governments, the Commonwealth Government has a critical leadership role to play in ensuring that youth justice systems across Australia are consistent with Australia's obligations under the Convention on the Rights of the Child (United Nations, 1989) and to support the objectives of the National Plan to End Violence against Women and Children, the National Strategy to Prevent and Respond to Child Sexual Abuse and the National Framework for Protecting Australia's Children.

Reflecting what we heard throughout the consultation (Fitz-Gibbon & Tyler, 2026), the youth justice system, and responses to the children and young people within it, must be recognised as an issue deeply connected with efforts to address domestic, family and sexual violence. The Second Action Plans provide an important opportunity for the Commonwealth government to establish nationally consistent expectations, strengthen accountability, support evidence-informed reform and invest in therapeutic responses that improve outcomes for children, families and communities.

This submission recommends that the Australian Government lead the development of a nationally consistent, child-rights based framework for youth justice through:

- National Child Justice Standards grounded in the United Nations Convention on the Rights of the Child (CRC) supported by funding agreements that enforce compliance with these standards;
- Publicly available Child Rights Impact Assessments for proposed youth justice reforms secured through a National Child Justice Agreement;
- Independent monitoring of legislation related to youth justice by a properly resourced National Children's Commissioner working in collaboration with the Commonwealth as well as State Ombudsman's, noting their existing responsibilities related to monitoring the treatment of children in youth detention as part of Australia's obligations as a signatory to the Optional Protocol to the Convention against Torture (OPCAT); and
- Sustained investment in prevention, early intervention, therapeutic support and community-based alternatives to detention that better meet the needs of children and young people who have experienced violence and abuse.

The recommended actions that follow set out practical steps that can be progressed through the Second Action Plans to strengthen Australia's response to child victim-survivors and reduce pathways into ongoing justice system involvement.

Recommended Action 1: Drive national consistency and greater accountability through consistent embedding of Education Engagement Officers within youth detention to strengthen standards, continuity and support recovery

[My] mother encouraged me to leave school and not attend further education ... I enjoyed school and was good at it. She didn't like me going to school. Told me it was a waste of time.

– Participant, 15yrs, QLD

I wish the school would have tried harder to keep me there. I think things would be different now. I was one of those kids that was too hard to help – I felt excluded by the teachers like they didn't want me there.

– Participant, 18yrs, QLD

The Federal Government should partner with states and territories to better ensure all children in youth detention remain connected to education through dedicated Education Engagement Officers embedded within youth detention facilities. As it stands, there is significant variation across state and territory jurisdictions, and across youth detention facilities, in terms of the breadth and consistency of education supports provided.

Education Engagement Officers should work directly with young people, detention centre education providers, schools, TAFEs and alternative education settings to monitor attendance, coordinate individual learning plans and facilitate successful transitions back into education following release. Where safe and appropriate to do so, prior to a young person's release from youth detention, this should include:

- developing a tailored plan for the young person's education reflecting agreed goals, learning needs, and target educational and vocational learning pathways.
- engaging proactively with families, carers and community-based education providers (where safe and appropriate to do so) to minimise disruption to learning and reduce the risk of long-term educational disengagement.
- serving as a consistent point of contact ensuring educational records, learning plans and reasonable adjustments accompany young people throughout transitions between young detention and the community-based education settings.

Education Engagement Officers should also play a role in identifying and responding to barriers that place young people at risk of long-term educational disengagement, including housing instability, disability, mental ill-health, family and sexual violence, caring responsibilities and ongoing safety concerns following release from youth detention. By

coordinating responses across education, youth justice and specialist support services, these positions would help ensure that young people remain connected to education at a critical transition point in their lives.

Maintaining engagement with education is a protective factor against future justice system involvement and a critical component of Australia's response to children who have experienced violence, abuse and trauma (on the latter, see Fitz-Gibbon, Tyler & Meyer, 2026). For children who have experienced domestic, family and sexual violence, school can represent far more than a place of learning. Schools can provide stability, trusted relationships, routine, opportunities for help-seeking and a sense of belonging that supports recovery from trauma (Fitz-Gibbon, 2025a, 2025b; Fitz-Gibbon, Tyler & Meyer, 2026; Stewart, Fitz-Gibbon & Roberts, 2026). Maintaining connection to education-based settings also increases opportunities for young people to develop trusted relationships with teachers, wellbeing staff and other professionals, creating additional pathways for the identification of trauma, the disclosure of violence and abuse, and timely referral to specialist support services.

Educational engagement is one of the strongest protective factors against future offending, re-victimisation and long-term social exclusion. Conversely, educational disengagement is associated with increased risks of justice system involvement, poorer health and wellbeing outcomes, unemployment and ongoing disadvantage across the life course. Maintaining educational continuity should therefore be recognised not simply as an educational objective, but as a violence prevention, recovery and child wellbeing intervention. Noting that some youth detention facilities already support education engagement, there is an opportunity to ensure consistent achievement of this by embedding Education Engagement Officers within youth detention facilities nationally. This would provide a practical mechanism for advancing the Second Action Plans' commitments to early intervention, recovery and healing, while strengthening young people's educational participation, long-term wellbeing and successful reintegration into their communities.

The provision of funding by the Federal Government for Education Engagement Officers should be accompanied by a clear set of accountabilities on states and territories with the National Children's Commissioner, working in collaboration with the relevant state ombudsmen, resourced to monitor progress through yearly reports.

Recommended Action 2: Embed specialist domestic, family and sexual violence outreach workers within youth detention facilities

When people don't listen I feel like nothing, I feel like they don't care what I think.

– Participant, 17yrs, QLD

The Australian Government should partner with states and territories to establish and sustainably fund specialist domestic, family and sexual violence outreach services within youth detention facilities as part of a nationally coordinated approach to ensuring that children and young people in youth justice who have experienced violence and abuse have

access to specialist recovery and healing supports. The need for this was recognised in interviews undertaken for our consultation project (Fitz-Gibbon & Tyler, 2026), with one Commissioner commenting:

"...you actually need specialist support, and you need different pathways than like youth justice pathways or child protection pathways, because they really should not be seeing as many kids as they are." (CommissionerA)

The overwhelming majority of children and young people in youth detention have experienced domestic, family and sexual violence, child abuse, neglect and other forms of complex trauma. Yet detention remains a significant missed opportunity to provide specialist, trauma-informed support that addresses these experiences of victimisation and promotes long-term recovery. For many of these young people, youth detention may represent the first sustained opportunity to engage with specialist domestic, family and sexual violence services. While children should ideally receive support long before they enter the youth justice system, the reality is that detention may be the first point at which their experiences of victimisation are identified and could be responded to in a coordinated way. The Second Action Plans provide an important opportunity to ensure that this contact becomes a gateway to specialist support, recovery and reintegration, rather than another missed opportunity for intervention.

Embedding specialist domestic, family and sexual violence practitioners within youth detention facilities would recognise children in custody as victim-survivors in their own right and provide timely access to specialist expertise including post release that strengthens safety, supports recovery and addresses the impacts of violence and abuse.

I feel connected at cultural events because they are always welcoming, especially with younger ones who are keen to learn about their culture.

– Participant, 15yrs, VIC

Specialist outreach workers should provide trauma-informed, developmentally appropriate and culturally safe support tailored to the unique needs of the young victim-survivor. Their role should include:

- providing specialist therapeutic counselling and recovery-oriented support, including more adequately resourced case coordination for children and young people who have experienced domestic, family and sexual violence;
- undertaking comprehensive risk and needs assessments, recognising the cumulative impacts of victimisation and justice system involvement;
- developing individualised safety, healing and transition plans;
- supporting access to culturally safe services, including where possible, Aboriginal Community Controlled Organisations and community-led healing programs for Aboriginal and Torres Strait Islander children and young people;
- working with staff responsible for case management, facilitate referrals focused on their recovery including to specialist family violence, sexual assault, mental health, alcohol and other drug, disability, housing and legal services both during youth detention and for the period immediately following release;

- working with families, carers and non-offending caregivers, where safe and appropriate to do so, strengthen family support and promote safe reunification;
- supporting young people to understand their rights, participate in decisions affecting their recovery and develop the knowledge and confidence to access specialist support following release; and
- strengthening workforce capability by providing secondary consultation, advice and training to youth justice staff, education providers and other professionals in recognising and responding to the impacts of domestic, family and sexual violence and complex trauma among young people.

Where possible, these outreach services should be delivered through specialist domestic, family and sexual violence organisations, including Aboriginal Community Controlled Organisations, rather than directly by youth justice agencies. Delivering services independently of custodial agencies is likely to strengthen children's trust in the service, reinforce practitioner independence, improve continuity of care following release and encourage help-seeking and disclosure among children who may otherwise be reluctant to engage. The need to support continuity of care following release is well captured in the remarks made by one Commissioner during the consultation project, they reflected:

"...what we need is the wraparound services for those young people. I'll give you an example: a young man who I spoke to in the detention centre, he was due for release, I said, "What's your plan?" And he said, without hesitation, "I'm going to reoffend so I can come back here", reoffend because he gets three meals a day and a bed to sleep in, so we're failing, aren't we? We're failing. The system is failing that young manhaving a more therapeutic approach as opposed to a punitive approach for those young people." (CommissionerC)

Embedding specialist domestic, family and sexual violence outreach services within youth detention facilities should be recognised as an early intervention, recovery and violence prevention initiative as part of Federal Government policy. By responding to children's experiences of victimisation at a critical intervention point, these services can strengthen recovery and wellbeing, improve reintegration into families and communities, reduce the risk of future victimisation and interrupt pathways into ongoing justice system involvement and the intergenerational transmission of violence.

Given the disproportionate representation of Aboriginal and Torres Strait Islander children and young people in youth detention, implementation of this recommendation should be co-designed and, wherever possible, delivered through Aboriginal Community Controlled Organisations. Sustained investment in Aboriginal-led outreach, healing and therapeutic responses is essential to ensuring culturally safe practice, strengthening connection to family, culture and community, and responding to the ongoing impacts of colonisation, intergenerational trauma and violence.

Being connected to my Aboriginal culture makes me feel happy and safe.

– Participant, 14yrs, VIC

Recommended Action 3: Create safe pathways for disclosure and specialist responses to victimisation within youth detention settings

The Australian Government should partner with states and territories to establish nationally consistent approaches that support the safe identification of, and response to, children and young people in youth detention who have experienced domestic, family and sexual violence, child abuse, neglect and other forms of victimisation.

As noted already throughout this submission, many young people entering youth detention have experienced significant violence and abuse but have never disclosed these experiences or accessed specialist support. Fear, shame, trauma, mistrust of adults and previous negative experiences with service systems can all create barriers to disclosure. For some young people, sustained contact with trusted adults during periods of detention may represent one of the first genuine opportunities to disclose experiences of victimisation and begin their recovery and healing journey.

To maximise this opportunity, youth detention facilities should be recognised as environments that can actively support safe disclosures. This requires investment in workforce capability, access to specialist support services and organisational cultures that recognise children in detention as victim-survivors in their own right. Every disclosure represents an opportunity to provide specialist support, interrupt the long-term impacts of trauma and reduce the risk of future victimisation, justice system involvement and the intergenerational transmission of violence.

The Australian Government should work with states and territories to develop nationally consistent guidance requiring youth detention facilities to:

- establish safe, confidential and developmentally appropriate pathways for children and young people to disclose experiences of domestic, family and sexual violence, child sexual abuse, exploitation and other forms of victimisation;
- ensure all youth justice staff receive mandatory training in child-centred, trauma-informed and culturally safe responses to disclosures of violence and abuse, including understanding how trauma may affect children's behaviour, communication and willingness to disclose;
- embed specialist domestic, family and sexual violence practitioners within youth detention facilities to receive referrals, respond to disclosures and provide immediate therapeutic support (see above Recommended Action 2);
- ensure children are routinely informed, in age-appropriate and culturally responsive ways, about their rights, confidentiality, available supports and options for seeking help;
- provide ongoing opportunities for disclosure throughout a young person's period in detention, recognising that disclosure is a process that often occurs only after trust has been established; and
- implement clear referral pathways to specialist domestic, family violence, sexual assault, and mental health services, with continuity of support following release.

Recommended Action 4: Pilot innovative help-seeking pathways for children and young people in youth detention

The Australian Government should partner with states and territories to pilot and evaluate innovative, child-centred approaches that strengthen help-seeking and access to specialist support for children and young people in youth detention who have experienced domestic, family and sexual violence, child sexual abuse and other forms of victimisation. Research consistently demonstrates that help-seeking and disclosure are processes rather than single events, and that children differ significantly in how, when and to whom they feel safe to seek help. While trusted relationships with adults remain critical, not all children are comfortable initiating face-to-face conversations about their experiences of victimisation, particularly where they have experienced complex trauma, involvement across multiple systems or previous negative responses to disclosure.

Emerging Australian evidence demonstrates that many children and young people are already turning to digital technologies, including AI-enabled platforms (Cubitt et al., 2026), to seek information and support about experiences of abuse and victimisation. Harnessing these emerging approaches to seeking help in safe, evidence-informed and ethically governed ways presents an important opportunity to improve access to support for young people in youth detention.

Reflecting this emerging body of evidence, the Australian Government should support the development and evaluation of innovative help-seeking models within youth detention that provide children with developmentally appropriate pathways to access relevant information, seek support and disclose victimisation. Pilots should be co-designed with young people who have lived experience of different forms of violence and abuse, Aboriginal Community Controlled Organisations and specialist domestic, family and sexual violence services to ensure they are safe, culturally responsive and trauma-informed.

Noting that there is no access to personal devices or internet within youth detention facilities, potential initiatives could include:

- provision of secure information providing age-appropriate guidance about domestic, family and sexual violence, child sexual abuse, trauma and available support services;
- self-referral pathways enabling young people to request access to support from specialist domestic, family and sexual violence practitioners;
- carefully governed AI-assisted information and referral platforms that provide accurate information while maintaining human oversight for all therapeutic responses;
- safety planning resources that young people can continue to access following their release from youth detention;
- culturally tailored digital resources developed in partnership with Aboriginal Community Controlled Organisations (ACCOs) and organisations supporting young people from diverse communities; and
- QR code or tablet-based access to specialist support services, helplines and recovery resources.

These initiatives should complement, not replace, trusted relationships with specialist practitioners and youth justice staff. Digital and technology-enabled approaches should be viewed as additional pathways not the sole pathway.

Recommended Action 5: Establish enforceable National Child Justice Standards

“We’re abusing children’s rights every day. We put them in detention when it should be a last resort, and we remove that component from legislation. If you embedded these rights into legislation, then it’s a must for all jurisdictions, right? That’s where the Commonwealth can show leadership ... if we upheld those other rights, then we would absolutely be upholding the rights of victim survivors of family, domestic, and sexual violence.” (CommissionerE)

In line with previous calls (see, for example, Save the Children and 54 reasons, 2023), the Australian Government should, under either their External Affairs Power in Section 51 of the Constitution or through conditional funding, lead the development of enforceable minimum standards governing all state and territory youth justice laws, policies and practices. The standards should translate the United Nations Convention on the Rights of the Child (CRC), particularly articles 2, 3, 12, 19, 37, 39 and 40, and the UN Committee’s General Comment No. 24, into specific domestic requirements.

At a minimum, the standards should require:

- a minimum age of criminal responsibility of at least 14 years in each state and territory, with no exceptions that undermine the setting of that minimum age;
- detention to be used only as a genuine measure of last resort and for the shortest appropriate period;
- prohibition of solitary confinement and other cruel, inhuman or degrading treatment;
- separation of children from adults in all custodial environments;
- access to education, health care, disability support, cultural support and independent legal assistance for all children and young people in detention;
- meaningful participation by children in decisions affecting them;
- specific protections and supports for groups of young people who are disproportionately drawn into youth justice systems, often times due to structural disadvantage and discrimination, including First Nations children, children with disability, and children from culturally and racially diverse backgrounds; and
- an overriding focus on diversion, rehabilitation and reintegration.

Establishing National Child Justice Standards would strengthen implementation of relevant Federal Government policies by ensuring that children who have experienced violence and abuse receive consistent, rights-based and trauma-informed responses regardless of where they live. Given the high prevalence of domestic, family and sexual violence and child abuse among children in youth justice systems, nationally consistent standards would better ensure that justice responses support prevention, early intervention, recovery and healing rather than prioritising punitive measures that compound the harms associated with childhood victimisation. By embedding children's rights, diversion, rehabilitation and reintegration as core principles across all youth justice systems, National Child Justice Standards would contribute to breaking cycles of violence and reducing future victimisation and justice system involvement.

"We shouldn't be locking 10-year-olds up, that's disgusting for a start, and also it's a result of a system that's not working. We're only locking 10-year-olds up because we're already failing [them] as children, so it is not a solution to a problem because we're not even looking at the problem." (SectorExpertV)

Recommended Action 6: Make relevant Commonwealth funding agreements conditional on compliance with the obligations under the Convention on the Rights of the Child

Beyond the National Child Justice Standards specifically, the Commonwealth should attach child-rights conditions to relevant funding agreements with states and territories, including funding for legal assistance, policing, health, housing, education, disability services, and justice reinvestment. As part of the survey undertaken for the consultation project (Fitz-Gibbon & Tyler, 2026), stakeholders were asked whether they would support the Commonwealth attaching child-rights conditions to relevant funding agreements with states and territories, including funding for legal assistance, policing, health, housing, education, disability services, and justice reinvestment. 84 per cent of survey respondents (n=76) supported this action, with only one respondent opposing the proposed action (1 per cent).

While only a small number of stakeholders throughout the interviews and focus groups explicitly discussed attaching conditions to Commonwealth funding agreements, those who did viewed Commonwealth funding as one of the strongest levers available to drive nationally consistent implementation of children's rights. These stakeholders argued that, while service delivery remains primarily the responsibility of states and territories, the Commonwealth has significant capacity to influence implementation through national funding agreements. One Commissioner explained:

"...they can use that lever, so they could say, well, we're doing the funding agreement on health with you at the moment, and we're doing the funding agreement with you on education... but to be eligible for this, you need to show us what you're doing in the prevention and early intervention and diversion space." (CommissionerE)

By linking Commonwealth funding to compliance with children's rights, the Australian Government can use one of its strongest policy levers to promote nationally consistent, child-centred and trauma-informed responses, while respecting states' and territories' responsibility for administering youth justice systems.

Specifically, we recommend that the Australian Government attach child-rights conditions to relevant Federal Government contract agreements with service providers and relevant funding agreements with states and territories, including funding for legal assistance, policing, health, housing, education, disability services, and justice reinvestment. Under this approach, state and territory jurisdictions could be required to demonstrate compliance with children's rights obligations to receive funding under the relevant agreement, including to demonstrate that commissioned services within their jurisdictions are also complying with the relevant children's rights obligations.

State and territory jurisdictions, as well as commissioned services, should be required to demonstrate compliance with the National Child Justice standards and other children's rights. This should be publicly reported upon against measurable indicators. Where serious or persistent non-compliance occurs, the Commonwealth should be able to redirect funding towards community-controlled, diversionary and early-intervention services rather than punitive infrastructure. This would provide the standards with practical force while recognising that the states and territories continue to administer their own youth justice systems.

Recommended Action 7: Require Child Rights Impact Assessments for proposed youth justice reforms

The Commonwealth should secure an intergovernmental National Child Justice Agreement requiring every jurisdiction to complete and publicly release an independent Child Rights Impact Assessment before introducing youth justice legislation. Each assessment should examine:

- compatibility with every relevant CRC right;
- whether the proposal is necessary, proportionate and evidence-based;
- the likely impact on First Nations children, children with disability, children from culturally and racially diverse backgrounds and other over-represented in the youth justice system;
- how less restrictive and non-custodial alternatives are being considered and prioritised;
- the views of children and young people;
- whether the reform is likely to improve community safety, rehabilitation and reintegration; and
- the likely impact of the proposed reforms on children who have experienced domestic, family and sexual violence, child abuse and neglect, including whether the reforms are likely to strengthen prevention, early intervention, recovery and reintegration.

Requiring Child Rights Impact Assessments would strengthen implementation of the objectives of existing Federal Government policy by ensuring that proposed youth justice reforms are informed by evidence, uphold children's rights and explicitly consider the likely impacts on children who have experienced violence and abuse. Independent assessment prior to legislative reform would support more transparent, accountable and child-centred decision-making, while reducing the risk of policy responses that compound childhood trauma or undermine children's safety, wellbeing and long-term recovery.

Recommended Action 8: Create an independent national review mechanism for proposed and enacted laws

The National Children's Commissioner should be fully resourced and empowered to assess state and territory youth justice laws against the CRC and national standards.

The National Children's Commissioner, working in collaboration with the Commonwealth as well as relevant State Ombudsman's, should be able to:

- review proposed legislation before passage;
- initiate urgent reviews of legislation passed through expedited processes;
- receive information from children, families, advocates and oversight bodies;
- issue public findings and recommendations;
- require governments to respond within a defined period;
- refer systemic concerns to relevant federal, state and territory oversight bodies
- investigate policy, procedures or practice related to youth detention.

Establishing an independent national review mechanism would strengthen implementation of Federal Government policy by embedding ongoing accountability for how the policies, laws and initiatives that affect children and young people who have experienced violence and abuse are enacted, embedded and are implemented in practice. Independent oversight would provide an important safeguard against reforms that undermine children's rights, increase reliance on detention or weaken opportunities for prevention, early intervention, and recovery.

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