

INQUIRY INTO YOUTH JUSTICE

Organisation: Joint Submission Kim and Lincoln (Supported by Rainbow Lodge, St Vincent de Paul Society NSW, Justice and Equity Centre)

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Submission: Kim and Lincoln – From early contact with the criminal justice system to adulthood.

Kim and Lincoln were very young when the first came into contact with the justice system.

They are sharing their experiences because they want the Committee to understand the impact early criminalisation had on them, across their lifetimes.

In turn, they want the Parliament to understand the impact of systemic failure to respond to the early childhood disadvantage they experienced – and that children across NSW continue to experience.

Kim and Lincoln have turned their lives around, both now work with people who are disadvantaged, including many who have also experienced early contact with the criminal justice system.

They want the NSW Government to do better for children and communities – and so they welcome the opportunity to share their personal and professional expertise and experience.

Kim and Lincoln are using their first names and can make themselves available to appear or give further evidence.

Warning: This submission may include content that may be distressing to some readers. It includes descriptions of childhood abuse, neglect, homelessness, poverty and trauma including early contact with police and prisons. It also details incidents of self-harm and suicide attempts, drug and alcohol use and addiction, family and domestic violence, sexually violent assaults, and examples of inter-generational trauma for First Nations People including members of the Stolen Generation.

Lincoln's Story

My earliest memory is watching my dad get arrested and fight with police. When I was five years old, police raided my home, and my mum was arrested and sentenced to two years in prison. Instead of being safe and cared for, I was placed with other relatives, where I was abused.

I was only 12 when I was arrested for the first time for minor property damage. By then, I had already been failed by schools, child services, police and adults I trusted.

Multiple opportunities to get me the help I needed had been missed.

I remember when I was first arrested, I was living in a tin shed in the backyard with a pile of blankets for a bed. Police knew I was being abused. But they still returned me to a dangerous home after they arrested me.

Six months later, I was found by police living on the streets, forced to starve to escape further abuse at home. But no support was provided to me.

There was no curiosity from police about why such a young child would choose the streets over shelter. No questions about what was going on for me and no attempt to make sure I had food and a safe place to sleep.

Police returned me to an environment they knew was dangerous. I was immediately violently assaulted.

This cycle repeated many times. By the time I was 14, I had experienced significant abuse, long periods of homelessness and had been arrested and held in police cells several times.

I had been to 15 different schools and struggled to make friends and progress with education.

Aged 16, I was arrested for breaking into a food store with other teenagers experiencing homelessness. We stole from the store, so we had something to eat, and we told the police that.

This was a clear example of a crime of survival. And it was clear opportunity for someone to help me get support to get what I needed like food, safe housing and a way back to school. Instead, the system chose prosecution over protection, and I was criminally charged and placed in detention.

On remand and in prison, I was self-harming and suicidal. My father's lawyer advised me not to seek bail, believing detention was safer for me than being out on the streets again.

Intensive case management in the community could have helped me break the cycle of homelessness, addiction, abuse and petty crime. But, while locked up, I did not receive a mental health assessment, counselling or meaningful help for planning my life after release.

I was sentenced to community service and placed in a refuge.

Here, I was again assaulted by an adult I trusted, this time a worker responsible for caring for me. This experience fundamentally undermined any trust I had in support professionals and was kicked out of the refuge for 'bad behaviour'.

Into adulthood, I entered a cycle of homelessness, and drug addiction and offences. My mental health worsened. With little education from childhood, I struggled to maintain jobs and become a productive member of society.

I wanted to work and had lots of jobs, but they never lasted long. My mental health made it impossible to maintain employment. I turned to addiction as a way of coping, trapping me in a destructive cycle for decades.

In my late 20s, I was jailed for 6 months and again released with nowhere to go.

It was only after I was released from my second adult sentence that I received the support I needed. I got a place at Rainbow Lodge, a residential program that helps men like me re-enter the community after imprisonment.

I received three months temporary accommodation. I had a safe environment for the first time in my life, including a case worker and weekly access to a psychologist.

At Rainbow Lodge, I was assisted to access medical care, accommodation and stable employment. Most of all, I was treated with dignity and respect by support workers who worked to earn my trust and believed in my potential.

I have turned my life around.

In the three years since leaving prison, I have completed multiple TAFE certificates and a diploma and am now studying at university.

I have appeared as a guest lecturer in the Criminology program at Macquarie University and have served as a member of the NSW Justice Health and NSW Health Lived Experience Advisory Panel, improving health outcomes for people in prison.

I now work at Rainbow Lodge, helping other men reach their true potential.

I am about to purchase my first home, and after many years apart enjoy a growing relationship with my daughter and a healthy, loving relationship with my long-term partner.

I am working with the Justice and Equity Centre and the Raise the Age NSW who are calling on the NSW Government to raise the minimum age of criminal responsibility to 14.

I turned my life around at 43, because I got the support I needed. I can only imagine what might have been if that happened when I was 10, or even younger.

Millions of dollars have been wasted criminalising and punishing me.

That money could and should have been spent on much better things and early intervention for kids like me is effective and cheap in comparison.

Three quarters of the men at Rainbow Lodge have been locked up as children.

When we get to Rainbow, we get a chance and we get what we need. It doesn't work for all of us, but it does for many. Rainbow can only support a tiny proportion of the those who need support.

Imagine if children like me were given this opportunity earlier? I think my life could have been very different if I wasn't punished for my disadvantage and the abuse I endured as a child.

Locking kids up doesn't work. It didn't work for me or for thousands of children who have been locked up after me.

What we do to children shapes their future and children grow up, we should remember they are part of our communities.

We need a better way, where kids get the support they need to have a sense of belonging, learn to be accountable, get opportunities and thrive.

Kim's story

I write to you all today to share with you both my own personal journey and I can also speak to you from my professional experience working in the social work sector for over 25 years.

Background

My name is Kim and I am currently employed as a manager in the Homelessness and Housing sector for St Vincent De Paul Society NSW in regional NSW. Prior to working for St Vincent De Paul I have a long history of working as a Drug and Alcohol Counsellor in treatment facilities such as rehabs and detox. I also spent some time working with teenagers in residential out of home care and have been a foster carer to kids in care. I also identify as a First Nations Dunghutti women.

My Family History

For the most part, my childhood wasn't great, but it wasn't the worst story I have ever heard.

There was lots of intergenerational trauma for and from both of my parents. My dad's family was part of the Stolen Generation with my grandmother not really knowing her true heritage. She was very much a First Nations woman having the darker complexion and all the features of a First Nation lady but sadly she never really came to know her history or where she truly fitted in this world, therefore my dad never really knew where he fitted into the world either. He found it very hard to be a parent never showing any emotional connection to his children.

My mother was sadly raised in a home full of sexual abuse, her father was a paedophile who would rape her from the age of four until she became a teenager, when she could start to defend herself. He did this to many kids in the neighbourhood but in those times, it was all swept under the carpet never to be discussed. My parents suffered with trauma often presenting in alcohol use on dad's side and gambling on mum's side.

My Personal Journey

For the most part my parents did their best with what they knew. My parents separated when I was a 3-year-old and I used to spend time at both of their homes. The houses were very different – mum's place being very regimented, her new partner (my stepfather) was in the Airforce and my dad's house had no rules whatsoever. At times this could be very confusing for me as a young child to comprehend which often caused me to get into trouble, never truly knowing what was expected: what was ok, and what wasn't.

At the age of 13, I was staying at my dad's house for a week of the school holidays. I had always been a good A grade student in school. I think school and learning was a place that grounded me growing up as it was the only thing that was somewhat stable and normal in my life. However, during this stay at my dad's home, I was raped by an extended family member who was staying there.

From this moment on my world changed. I became so angry having outbursts at home and at school. All I knew was that within my family we did not talk about anything and that there were many secrets, I felt this had to be my secret so I told no one and prayed this would never happen again but, of course it did.

My outbursts at school became frequent and eventually the school telephoned my parents in the first term of year 8 at high school and said that it was for the best if I didn't return to school.

Had someone taken the time to ask, to recognise the changes, to explore or intervene maybe at this point a different path could have been created.

However, this didn't happen and the place I felt most safe and normal, being school, was taken away from me. My friends were taken away because as I couldn't attend school it made it hard to have things in common with them. I didn't know where I belonged anymore, so I sought comfort hanging out with other disengaged kids, drinking and smoking weed in the park. This became my new normal.

It was in this park when I was 14, I met an older boy who was 18 at the time, he paid particular attention to me, attention I had never experienced before, and I thought he would protect me from this unsafe world I lived in, and to a degree he did.

I couldn't possibly predict the violence he would inflict on me - almost ending my life down the track. It started with just a playful hit here and there and before I knew I was bearing the brunt and ending up with black eyes and bruises all over my body.

I would make excuses: I fell over, I did it playing sport, whatever would keep people off my case.

I presented many times to hospital with injuries inflicted by this man. I also began breaking the law and coming into contact with the legal system. Firstly, it was minor things like jumping trains because I didn't have money to pay, graffitiing buildings because I thought it looked better, then stealing clothing and food as I had no way to dress or feed myself and I wanted the clothing brand names like other kids.

On one occasion I was charged with stealing a steak and a chocolate bar, I wonder, did this look like a kid who was truly a thief or a kid who was desperate and hungry? From there things escalated to being a passenger in stolen cars and getting involved with drugs such as cannabis. I was arrested and attended Worrimi Children's court with an attitude; I just didn't care anymore.

Had someone taken the time to ask, to recognise the changes, to explore or intervene maybe at this point a different path could have been created.

This didn't happen and by the age of 16 I was pregnant to this man. During my pregnancy the violence became even worse. He stabbed me, poured petrol all over me, and threatened to set me on fire standing there with a lighter in his hand, me pregnant pleading for my life. He would strangle me to the point I would pass out, and I would come to not know what had happened trying to look around me to grasp where I was.

Police were often called to my aide, and I would leave him for a period of time, however then he would threaten my family. He beat my grandmother and I could hear her screaming down the phone line stating he would hurt people until I returned to him, so I always went back. I thought because I got myself into this mess with him that I would cop the beatings to prevent my family being hurt.

On the 10th of May 1994, I gave birth to a beautiful baby girl who I instantly fell in love with. I had not been to any birthing classes or many check-ups during the pregnancy as he kept me very isolated on a remote property.

I really thought after all the beatings I had endured being dragged around the house by my hair on a pregnant belly that my baby wouldn't survive or at the least be born deformed in some way. But to my surprise she was absolutely perfect.

I remember thinking I had the best-looking baby in the hospital.

It was a very lonely time, I had no one there. My family were not talking to me because of what happened to my grandmother. So, there I sat, 16-years-old in a hospital bed alone with a brand-new baby and I was terrified. So many thoughts were racing through my mind, where was I going to go, how would I protect my baby, he would be sure to be jealous and hurt her just like he did when I had a pet kitten and he cut its throat because I spent too much time with the kitten, imagine the time I would need to spend with my baby. I was sitting in the hospital bed tearing up starting to cry, I didn't know if it was fear, or those pregnancy hormones they kept telling me about, but the tears flowed, finally I was defeated.

I had no answers.

The Intervention

At that moment a police officer who would usually attend to my aide when I had been beaten showed up, I didn't like this police officer at all because in my world at the time you didn't speak to police. First, he looked at the baby and told me how beautiful she was and then he looked at me and said, 'What are you going to do?' I remember looking at him and saying, 'I don't love me right now, I am an awful person, but I love this baby more than anything, I need to protect her and I need help'. He smiled at me and he said 'that's exactly what I was hoping you would say.'

My New Life Begins

The policemen went about charging this man with offences and getting him locked up. He helped me put extra security measures around my Centrelink record so that only limited staff could access my personal information. Later down the track I was also taken off the Electoral role to protect me. Finally, my baby and I relocated to regional NSW.

I did not know a single person in that area and I was completely terrified; I didn't even really know what to do with a baby.

Slowly, people I call angels or beautiful people started showing up in my life. Where I lived there was a family daycare down the road, I would walk past every day seeing the children playing and the lady in the front yard. This lady called me over one day and we started talking, this lady mentored me and showed me how to be a mum, she encouraged me to go back to finish my education, she told me I was bright and that I had a lot to offer the world, she offered to look after my baby in daycare so I could do this.

Having someone to mentor me at this time made such a difference in my life, not someone threatening to take my child or judge what I was doing, but someone to show me and teach me the way. If you were to ask this lady today, 31 years later, she will tell you she was just being a friend.

We are still friends today.

Fast forward to today, that baby that is now 31 years old and I went on to meet a wonderful new partner who I married and have one other daughter who is now 26 years old. I have two beautiful grandchildren who I adore. I finished my education and have gone on to have a successful career helping other people, I remind people never to judge as you don't truly know anyone's story, meet people on their journey, walk alongside, mentor, teach and support.

It hasn't been easy. When I went to apply for my Working with Children Check, my juvenile history came up with a *please explain*. This required me to engage a solicitor to help write a submission explaining my actions when I was 14 years old. I keep that submission today as a reminder. The decisions I was making at as a child are not even close to the decisions I make today, nor am I even remotely close to the person I was as a child.

In my current role at the St Vincent de Paul Society NSW, I manage a range of homelessness and housing services which includes overseeing three crisis community engagement hubs. In our crisis engagement hubs, we regularly support men and women who have recently been released from incarceration. Many arrive with nothing more than the clothes they are wearing and their release paperwork. When we take the time to sit and listen to their stories, they frequently share detailed histories of trauma, often beginning in childhood and including involvement with the juvenile justice system from a young age.

These conversations make it clear there were pivotal moments when early intervention, meaningful support, or someone recognising the warning signs could have changed their path and prevented entry into the adult justice system.

Instead, many are drawn into a system at a young age that fails to address the root cause. Justice is not just about punishment; it is about preventing harm before it occurs. We regularly identify children at high risk, yet too often fail to address the underlying trauma driving their circumstances and then we wonder why we end up with high adult offender recidivism rates.

So that is the short version of my story, what I would like to share with the Committee, is that within my own personal journey and with my professional experience over many years,

especially being involved in the drug court program in QLD most people's story starts with trauma.

Trauma cannot be healed by charging children and placing them in the criminal justice system, what this does is create more trauma. It doesn't break family intergenerational trauma or family cycles in fact it enables cycles to continue.

This is evident not only in my own journey but with many of the incarcerated people I have worked with over the years. Punitive reactions don't work; in fact, it is the breeding ground to creating adult criminals with high recidivism rates.

As a society we should be asking if we have children who have committed a crime: how have we let them down, what is happening right now in their life, what trauma has occurred, what help has been or should be provided, how can we deal with their immediate crisis and keep them and others safe, should we be labelling a child a criminal when most of the time the child can't even articulate what is happening for them let alone understand their behaviours and consequences.

Kim and Lincoln's recommendations

Raise the age of criminal responsibility.

One way of keeping kids out of the system is not putting them there in the first place.

We can do this by raising the age of criminal responsibility to 14, and by supporting children, families and communities early, we can get better outcomes for everyone.

Stop removing Aboriginal children from their families, community and culture.

Too many children, especially Aboriginal children, are being removed from their families and communities by both child protection and youth justice systems.

People see DCJ as the system that takes your children, especially First Nations families, who were part of the Stolen Generation, they don't see this system as a source of support or a service you can reach out to for help, in fear of losing their children.

We need our government services to do much better, much earlier and the focus, wherever possible, should be on family preservation.

Early intervention is the key to prevention.

We need our government and services to be proactive in engaging children rather than reactive when it is too late to really help.

Education, health, child protection, disability and community service Departments and non-government organisations must work together to deliver for vulnerable children. Children need to be supported to be in (and stay in) school. Schools need to be resourced to support kids who need support in the way they need to be supported.

Invest in things that children need.

Rather than policing and putting kids who have been let down and gone off track in prison, government should invest in them with things like: mentoring, case management, mental health and drug and alcohol services, and making sure all the existing government agencies work together to do better for them and their families.

In the rare circumstances a child behaves in a harmful or dangerous way to themselves or others we should immediately mobilising therapeutic support to make them and others safe. Criminalising them will not make things better for them or for the community.

We thank the Committee for considering our submission.

Lincoln and Kim.

This submission is made with the support of Rainbow Lodge, St Vincent de Paul Society NSW and the Justice and Equity Centre.

Please contact Emily Mayo of the Justice and Equity Centre should you want more information

Our supporting Organisations

Rainbow Lodge

Rainbow Lodge is a residential support program for men to transition back into the community following a period of incarceration, with a focus on healing from trauma. We work through intensive case management that runs alongside our daily groups. Clients are supported by weekly access to a psychologist.

First Nations clients have access to cultural programs and specialist staff to support them to heal in a culturally appropriate way. This also allows for reconciliation through education for non-First Nations clients.

St Vincent de Paul Society NSW

The St Vincent de Paul Society NSW is a lay catholic member led organisation that has been assisting people experiencing disadvantage and hardship for over 140 years. Our vision is to create a more just and compassionate society. It provides a range of assistance and services designed to respond to urgent and complex need. Our assistance spans cost-of-living and emergency relief including food, financial assistance, help with energy bills and other expenses, and the provision of other material items like furniture, bedding, clothing and other household items. Our over 100 frontline services and programs across the State provide for people experiencing or at risk of homelessness (including crisis accommodation), family and domestic violence services, disability and mental health, refugee and migrant inclusion, rehabilitation and addiction.

Justice and Equity Centre

The Justice and Equity Centre (formerly the Public Interest Advocacy Centre) is a leading independent law and policy centre. We help build a fairer, stronger society by tackling injustice and inequality.

We work with people experiencing disadvantage to expose discrimination and unfairness. We use test cases and policy advocacy to drive law reform and systems change. Our work protects and promotes human rights by challenging government and corporations. We collaborate and partner to develop solutions and achieve social justice.