

Aboriginal and Torres Strait Islander Stolen Generations and Descendants

Executive Summary

The purpose of this document is to collate published research, government reports and inquiries and academic commentary in relation to Aboriginal and Torres Strait Islander Stolen Generations and their descendants, and the effects that being a member of those generations may have on a person's behaviour, development, physical, mental and social well-being and contact with the criminal justice system.

The potential relevance of evidence of membership of, or being a descendant of, Aboriginal and Torres Strait Islander Stolen Generations in sentencing proceedings includes an assessment of *moral culpability*; moderating the weight to be given to *general deterrence*; and determining the weight to be given to *specific deterrence* and *protection of the community*. There may also be issues relating to the likelihood of *hardship in custody*, a finding of *special circumstances* and the shaping of conditions to enhance prospects of *rehabilitation*.

Note: In this chapter, 'Stolen Generations' refers to Aboriginal and Torres Strait Islander children removed from their families before 1972. However, the chapter also collates some material about children removed after 1972 who continue to be separated from their families. See also related *Bugmy Bar Book* chapters.*

Forcible removals¹ of Aboriginal and Torres Strait Islander children have had long-term, intergenerational traumatic impacts on individuals and their families and descendants.² Rates of Indigenous child removal have increased, not lessened.³ There have been 'year on year increases' and a 10.8 times greater likelihood of being in care than for non-Indigenous children.⁴ The 1997 *Bringing Them Home* Report found that any treatment and healing for survivors of forcible removal must emphasise local Indigenous healing and well-being perspectives.⁵ In 2018, *Bringing Them Home 20 Years On: An Action Plan for Healing* observed:

Most Aboriginal and Torres Strait Islander people have been affected by the Stolen Generations. The resulting trauma has been passed down to children and grandchildren, contributing to many of the issues faced in Indigenous communities, including family violence, substance abuse and self-harm.⁶

Research and formal inquiries have documented adverse consequences experienced both by members of the Stolen Generations and by their descendants.⁷ Compared with Aboriginal and Torres Strait Islander people who were not removed, or who did not have family members removed, the Stolen Generations and their descendants experience:

- higher rates of incarceration, interaction with police and arrest;⁸
- higher rates of institutional abuse, including sexual abuse;⁹
- poorer physical and mental health outcomes;¹⁰
- lower rates of employment, financial security and home ownership;¹¹
- higher rates of homelessness;¹²
- higher rates of discrimination;¹³
- weakened connection to culture, including lower rates of speaking an Indigenous language;¹⁴

- higher rates of violence;¹⁵ and
- lower levels of trust in the general community.¹⁶

Other evidence of this harm was documented by the *Royal Commission into Institutional Responses to Child Sexual Abuse*, which heard disclosures by people who had been subjected to cultural, physical, emotional and sexual abuse,¹⁷ and the Yoorook Justice Commission, which heard evidence of ongoing injustices experienced by First Peoples in Victoria.¹⁸

Indigenous child-rearing practices differ from non-Indigenous practices; for example, researchers have found that ‘caregivers actively sought to model collectivist social values for children’ such that ‘a function of attachment to provide the basis for developing social competence’.¹⁹

A key focus for improvement is support for services supplied by Aboriginal and Torres Strait Islander community-controlled organisations (‘ACCOs’). Thus the *Family Matters* Report calls for increased funding for ACCO-led prevention programs across the spectrum of support services: ‘Each year, the ... Report has consistently identified that changing the trajectory will require a comprehensive approach.’²⁰

Peeters, Hamann and Kelly note that ‘culture, identity and reconnecting with family, community and country are central to the healing journey’.²¹ Further, truth telling, as the ‘act of sharing and acknowledging the historical and current experiences, perspectives, and truths of marginalised or oppressed groups including First Peoples’²² is established as ‘an evidence based mechanism for individual and collective healing within Indigenous communities’.²³

Notes

* The related *Bugmy Bar Book* chapters ‘[Out-of-Home Care](#)’ and ‘[Cultural Dispossession](#)’ and the report *Intergenerational Trauma* (forthcoming) collate research relating to the experience of children removed after 1972 and the intergenerational trauma experienced by family members of people who were removed from their families.

¹ See Thalia Anthony, Gemma Sentance and Lorana Bartels, ‘Transcending Colonial Legacies: From Criminal Justice to Indigenous Women’s Healing’ in Lily George et al (eds) *Neo-Colonial Criminal Justice: The Mass Imprisonment of Indigenous Women* (Palgrave Macmillan, 2020) 103, 109; Secretariat of National Aboriginal and Islander Child Care (‘SNAICC’), *Family Matters Report* (2024); Australian Institute of Health and Welfare, *Child Protection Australia 2023–24* (Report, 27 February 2025).

² Human Rights and Equal Opportunity Commission (‘HREOC’), *Bringing Them Home: Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families* (April 1997) (‘*Bringing Them Home Report*’) 4; Australian Law Reform Commission, *Pathways to Justice – An Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples* (Report No 133, 27 March 2018) 74 [2.71]; Secretariat of National Aboriginal and Islander Child Care (SNAICC) et al, *Family Matters Report 2019* (2019) 5.

³ Steering Committee for the Review of Government Service Provision, *Report on Government Services 2024* (‘*RoGS 2024*’) (Productivity Commission Report and Data to June 2023, released January/February 2024) Part F, Community Services, table 16A.2. A subsequent report, *Report on Government Services 2025* (‘*RoGS 2025*’), was released in January/February 2025.

⁴ Secretariat of National Aboriginal and Islander Child Care (‘SNAICC’) et al, *Family Matters* (Report, 2024) 16 (based on 2023 figures).

⁵ *Bringing Them Home Report* (n 2) 345.

⁶ Aboriginal and Torres Strait Islander Healing Foundation, *Bringing Them Home 20 Years On: An Action Plan for Healing* (Report, 2018) (‘*Bringing Them Home 20 Years On Report*’) 4.

⁷ *Ibid.*; Anthony Sentance and Bartels (n 1) 103; Australian Institute of Health and Welfare (‘AIHW’), *Aboriginal and Torres Strait Islander Stolen Generations and Descendants: Numbers, Demographic Characteristics and Selected Outcomes* (AIHW Report No 195, August 2018) and AIHW, *Aboriginal and Torres Strait Islander Stolen Generations Aged 50 and Over: Updated Analyses for 2018–19* (AIHW Report No 267, 2021).

⁸ AIHW (2018) (n 7) *xiv*.

⁹ Anthony, Sentance and Bartels (n 1).

¹⁰ AIHW (2018) (n 7) *xiv*.

¹¹ *Ibid.*

¹² *Ibid.*

¹³ *Ibid.*

¹⁴ *Ibid. xvi*.

¹⁵ Australian Institute of Health and Welfare ('AIHW'), [Aboriginal and Torres Strait Islander Stolen Generations and Descendants: Numbers, Demographic Characteristics and Selected Outcomes](#) (AIHW Report No 195, August 2018).

¹⁶ Ibid.

¹⁷ [Royal Commission into Institutional Responses to Child Sexual Abuse](#) (Final Report, 15 December 2017, 17 vols).

¹⁸ See the Commission's [website](#); see also Yoorook for Justice Commission, [Yoorook for Justice: Victoria's Child Protection and Criminal Justice Systems](#) (Final Report, August 2023) ('Yoorook for Justice Final Report').

¹⁹ Ashleigh Wright et al, '[Attachment and the \(Mis\)Apprehension of Aboriginal Children: Epistemic Violence in Welfare Institutions](#)' (2024) 0 (online) *Psychiatry, Psychology and the Law* 1, 12.

²⁰ Yoorook for Justice Final Report' (n 18)14.

²¹ Lorraine Peeters, Shaan Hamann and Kerrie Kelly, '[The Marumali Program: Healing for Stolen Generations](#)' in Pat Dudgeon, Helen Milroy and Roz Walker (eds), *Working Together: Aboriginal and Torres Strait Islander Mental Health and Wellbeing Principles and Practice* (Commonwealth of Australia, 2nd edn, 2014) pt 6, ch 29, 493, 498.

²² Yoorook for Justice Final Report' (n 19) Glossary, 410.

²³ Pat Dudgeon et al, [Connection to Community](#) (Australian Institute of Health and Welfare ('AIHW') (AIHW Report, 25 March 2022) 13.