Aboriginal and Torres Strait Islander Stolen Generations and Descendants

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 descendants, and the effects this may have on a person’s behaviour; development; physical, mental and social well-being; and links to contact with the criminal justice system.

**Note:** In this chapter, Stolen Generations refers to Aboriginal and Torres Strait Islander children removed from their families before 1972 as well as Aboriginal and Torres Strait Islander children who were removed after 1972 and who continue to be separated from their families. In a forthcoming book chapter, Anthony, Sentence and Bartels report that Aboriginal and Torres Strait Islander children ‘continue to be removed from families and communities at alarmingly high and disproportionate rates’ which ‘creates new layers of institutional trauma to add to enduring trauma from the Stolen Generations’.

The Bar Book chapters *Out-of-Home Care* and *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.

**Introduction**

It is well-established that adverse experiences in childhood can have life-long effects, including mental ill health, physical illness, poor educational and employment outcomes, addiction, relationship difficulties, and increased contact with the criminal justice system.

The 1997 *Bringing Them Home* report presented the findings of the first major national inquiry into the removals of Aboriginal and Torres Strait Islander children from their families and communities. *Bringing Them Home* ‘described the extent of harm created for, and the burden suffered by, both those individuals who were removed, and their families and descendants’. The report states:

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The histories we trace are complex and pervasive. Most significantly the actions of the past resonate in the present and will continue to do so in the future. The laws, policies and practices which separated Indigenous children from their families have contributed directly to the alienation of Indigenous societies today.5

Twenty years later, an Australian Institute of Health and Welfare (‘AIHW’) study commissioned by the Healing Foundation quantified the specific effects of being removed from family as a member of the Stolen Generations, as well as the effects of removal on the descendants of relatives who were removed in previous generations.6 The study found ‘higher likelihoods of adverse outcomes’ across 38 health, socioeconomic and cultural outcomes for both members of the Stolen Generations and descendants,7 confirming that the intergenerational impacts of removal extend to children and other descendants of people who had been removed.8

Description

In the Bringing Them Home report, the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children (‘National Inquiry’) defined the Stolen Generations as children removed from their families under the Australian government’s assimilationist policies in the 20th century.9

The cohort most often referred to as the Stolen Generations is Aboriginal and Torres Strait Islander people born before 1972 who were removed.10 However, as children continue to have been removed since that time and Indigenous children remain ‘very significantly over-represented “in care”’,11 this chapter adopts an inclusive definition which includes all children removed before and after 1972. This is in keeping with the Australian Law Reform Commission’s 2017 Pathways to Justice report, which found that ‘Aboriginal and Torres Strait Islander children continue to be disproportionately affected by care and protection orders and entry into the child protection system, with some describing this as a new stolen generation’.12

The forcible removal of Aboriginal and Torres Strait Islander children from their families and communities originated with the beginning of European occupation in

5 Human Rights and Equal Opportunity Commission, Bringing Them Home (n 3) 4.
6 Australian Institute of Health and Welfare, Aboriginal and Torres Strait Islander Stolen Generations and Descendants: Numbers, Demographic Characteristics and Selected Outcomes (n 4) 2.
7 Ibid xvi.
8 Ibid 2.
10 Ibid 31.
12 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] (‘Pathways to Justice’) (emphasis added). See also Melissa O'Donnell et al, ‘Infant Removals: The Need to Address the Over-representation of Aboriginal Infants and Community Concerns of Another “Stolen Generation”’ (2019) 90 Child Abuse & Neglect 88. This peer-reviewed study found that the national rate for Aboriginal children in care increased by 21% between 2012 and 2016: 91. Aboriginal children were found to be ten times more likely to be placed in out-of-home care than non-Aboriginal children, with this disparity starting in infancy: 92.
In the early 1900s, the States introduced child welfare policies to enable the removal of Aboriginal and Torres Strait Islander children. The Productivity Commission reported in 2019 that rates of Indigenous child removal have since increased. The 2019 *Family Matters* report states that:

Currently, there are 20,421 Aboriginal and Torres Strait Islander children in out-of-home care, making them 37.3% of the total out-of-home care population. The rate of Aboriginal and Torres Strait Islander children in out-of-home care is 10.2 times that of other children, and disproportionate representation continues to grow.

The *Bringing Them Home* report states that the ‘ultimate purpose of removal was to control the reproduction of Aboriginal and Torres Strait Islander people with a view to ‘merging’ or ‘absorbing’ them into the non-Indigenous population’. The report goes on to state:

One principal effect of the forcible removal policies was the destruction of cultural links. This was of course their declared aim. Culture, language, land and identity were to be stripped from the children in the hope that the traditional law and culture would die by losing their claim on them and sustenance on them.

The National Inquiry concluded that the policies which created the Stolen Generations constitute genocide:

When a child was forcibly removed that child’s entire community lost, often permanently, its chance to perpetuate itself in that child. The Inquiry has concluded that this was a primary objective of forcible removals and is the reason they amount to genocide.

It added that from 1946 laws and practices which, with the purpose of eliminating Indigenous cultures, promoted the removal of Indigenous children for rearing in non-Indigenous institutions and households were in breach of the international prohibition of genocide. From this period many Indigenous Australians were victims of gross violations of human rights.

*Bringing Them Home* also placed on record details of the racialised and violent policies facilitating these removals, and long term, intergenerational traumatic impacts on individuals and on their families:

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14 Ibid.
15 Ibid.
20 Ibid 241.
For individuals, their removal as children and the abuse they experienced at the hands of the authorities or their delegates have permanently scarred their lives. The harm continues in later generations, affecting their children and grandchildren.²¹

The widespread harm caused to removed individuals and their families is well documented. The report describes the breadth and complexity of these impacts, observing that ‘the effects for the children removed ranged from psychological harm to loss of native title entitlements. Most suffered multiple and disabling effects.’²²

Babies were often removed at birth or at a few months of age and removed children were separated from their families and communities as completely as possible and placed in institutions, missions or with non-Indigenous families.²³ Once removed, children were often given new names and were denied their Indigenous identity and language.²⁴

In 2018, the Bringing Them Home 20 Years On: An Action Plan for Healing report stated that:

Children were moved to institutions run by churches and non-government organisations, adopted by non-Indigenous families, or placed with non-Aboriginal households to work as domestic servants and farm hands. Many children suffered very harsh, degrading treatment (including sexual abuse), limited or no contact with families, and were frequently indoctrinated to believe in the inferiority of Aboriginal and Torres Strait Islander people and cultures.²⁵

More recent 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.²⁶

Prevalence

Bringing Them Home concluded that, nationally,

between one in three and one in ten Indigenous children were forcibly removed from their families and communities in the period from approximately 1910 until 1970. In certain regions and in certain periods the figure was undoubtedly much greater than one in ten. In that time not one Indigenous family has escaped the effects of forcible removal (confirmed by representatives of the Queensland and WA Governments in evidence to the Inquiry). Most families have been affected, in one or more generations, by the forcible removal of one or more children.²⁷

The Bringing Them Home 20 Years On report found that, as a result:

²¹ Ibid 4.
²² Ibid 11.
²³ Ibid ch 2.
²⁴ Ibid.
²⁵ Aboriginal and Torres Strait Islander Healing Foundation, Bringing Them Home 20 Years On (n 2) 7.
²⁶ Australian Institute of Health and Welfare, Aboriginal and Torres Strait Islander Stolen Generations and Descendants: Numbers, Demographic Characteristics and Selected Outcomes (n 4) 1.
²⁷ Human Rights and Equal Opportunity Commission, Bringing Them Home (n 3) ch 2.
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.28

17 In the period 2014–15, 20,900 people were estimated to be members of the Stolen Generations born before 1972. This represented 13.5% of the Aboriginal and Torres Strait Islander population aged 42 years and over.29 In 2014–15 the estimated number of descendants over 18 years of age was 114,800, including 15,400 people who were children who had been forcibly removed themselves.30

18 The 2019 Productivity Commission Report on Government Services confirmed that 17,787 Aboriginal and Torres Strait Islander children were placed in out-of-home care during the year 2017–18, representing approximately 38% of children placed in out-of-home care during this time.31 As at 30 June 2018, only 51.4% of Aboriginal and Torres Strait Islander children in out-of-home care were placed with relatives or kin.32 The proportion of Indigenous children in out-of-home care placed with relatives or kin decreased two percentage points between 2009 and 2018.33

**Potential Impacts**

19 The 2018 AIHW report, *Aboriginal and Torres Strait Islander Stolen Generations and Descendants*, states that:

The Stolen Generations are acknowledged to be a particularly disadvantaged group of the Aboriginal and Torres Strait Islander population. Their forced removal from families and subsequent disconnection from Indigenous culture and land have been shown to have had widespread negative impact. HREOC’s Bringing Them Home (BTH) report (HREOC 1997) documented many stories of individuals and families affected by the systematic policy of Australian governments to remove Aboriginal and Torres Strait Islander children from their families. That report also described the extent of harm created and the burden suffered, both by individuals who were removed and by their families and descendants.34

20 The study found that, compared with Aboriginal and Torres Strait Islander people who were not removed, *members of the Stolen Generations born before 1972* are:

- 3.3 times as likely to have been incarcerated in the last five years
- 2.2 times as likely to have ever been formally charged by police
- 2 times as likely to have been arrested in the last five years

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28 Aboriginal and Torres Strait Islander Healing Foundation, *Bringing Them Home 20 Years On* (n 2) 4.
29 Australian Institute of Health and Welfare, *Aboriginal and Torres Strait Islander Stolen Generations and Descendants: Numbers, Demographic Characteristics and Selected Outcomes* (n 4) vii.
30 Ibid viii.
33 Ibid.
34 Australian Institute of Health and Welfare, *Aboriginal and Torres Strait Islander Stolen Generations and Descendants: Numbers, Demographic Characteristics and Selected Outcomes* (n 4) 1.
- 1.8 times as likely to have government payments as their main income source
- 1.7 times as likely not to be the owner of a home
- 1.7 times as likely to have poor self-assessed health
- 1.6 times as likely to be currently not employed
- 1.6 times as likely to have experienced homelessness in the last 10 years
- 1.6 times as likely not to have ‘good health’
- 1.5 times as likely to have experienced discrimination in the previous 12 months
- 1.5 times as likely to have poor mental health.\(^{35}\)

21 The report states that, of members of the Stolen Generations born before 1972:

- two-thirds reported that they lived with a disability or restrictive long-term condition;
- 52% reported having poor self-assessed health;
- 42% had experienced homelessness at least once in their lifetime (and 20% in the last 10 years);
- 26% reported being a victim or actual or threatened physical violence in the last 12 months; and
- 22% had been incarcerated at least once in their lifetime.\(^{36}\)

*Impacts on descendants of the Stolen Generations*

22 The same AIHW study found that, compared with Aboriginal and Torres Strait Islander people who did not experience any type of removal, including being removed themselves or having a family member removed, *descendants of members of the Stolen Generations* are:

- 2 times as likely to have experienced discrimination in the last 12 months
- 2 times as likely not to speak an Indigenous language
- 1.9 times as likely to have experienced violence in the last 12 months
- 1.6 times as likely not to have ‘good health’
- 1.5 times as likely to have been arrested in the last five years
- 1.4 times as likely to have a low level of trust in the general community
- 1.4 times as likely to have ever been formally charged by police
- 1.4 times as likely to have poor self-assessed health
- 1.4 times as likely to have a low level of satisfaction with their lives
- 1.3 times as likely to have poor mental health.\(^{37}\)

23 The report provided statistics demonstrating the high prevalence of adversity experienced by descendants. Among descendants:

- 75% had experienced stress in the past 12 months

\(^{35}\) Ibid xiv.

\(^{36}\) Ibid 27.

\(^{37}\) Ibid xvi.
48% had experienced discrimination in the last 12 months
41% had ever been charged by police
34% had poor mental health
34% engaged in short-term risky alcohol consumption in the last 12 months
31% had used substances in the last 12 months.  

24 The Bringing Them Home 20 Years On report commented on the negative impact of failure to implement recommendations:

[T]he majority of the Bringing Them Home recommendations have not yet been implemented. For many Stolen Generations members, this has created additional trauma and distress. Failure to act has caused a ripple effect to current generations. We are now seeing an increase in Aboriginal people in jails, suicide is on the rise and more children are being removed.  

25 Parents and families

Anthony, Sentance and Bartels (forthcoming) highlight the harm and trauma experienced by the removal of children by their mothers:


26 They also describe the devastating losses which flow from the removal of their children:

[Loss of their children includes the denial ‘of the opportunity to participate in growing up the next generation’ and shaping ‘the future of their community’ (Link-Up submission, cited in the National Inquiry 1997, 185). Forcible separation meant Indigenous children lost opportunities to ‘acquire cultural knowledge’, develop their identity and spiritual connection to country and build their communities (National Inquiry 1997, 488). This may limit Indigenous parents and grandparents’ leadership and ability to ‘provide the vision, the strength and the responsibility to carry our communities forward into the future’ (Link-Up submission, cited in National Inquiry 1997, 242).  

27 Intergenerational trauma

Both the Australian Law Reform Commission’s Pathways to Justice report and the Healing Foundation’s Bringing Them Home 20 Years On report found links between

38 Ibid 51.
39 Aboriginal and Torres Strait Islander Healing Foundation, Bringing Them Home 20 Years On (n 2) 4.
40 Anthony, Sentance and Bartels (n 1).
41 Ibid.
membership of the Stolen Generations (or being a descendant) and intergenerational trauma.  

28 The *Bringing Them Home 20 Years On* report states:

Many people suffered by not being able to show love to their families and lost the enjoyment of accepting the love of their children. They lost the right to love their children and were frightened to accept love. Many of them suffered in silence and sacrificed their own wellbeing to keep their families together. Sometimes they stayed in more difficult circumstances, such as marriages, where there was violence, as they could not tolerate their families being broken up again, their children growing up without a mother and a father. This also meant that many did not seek support for any of their problems, including their own mental health for fear of being judged unfit parents and their children being taken. Men often missed out on being fathers as they sought to use any means to dull the pain such as alcohol use.  

29 The report continues:

It is well-established that adverse experiences in childhood can have life-long effects, including mental ill health, physical illness, poor educational and employment outcomes, addiction, relationship difficulties, and increased contact with the criminal justice system. What is emerging now is the evidence that such traumatic experiences:

can be transferred from the first generation of survivors that have experienced (or witnessed) it directly in the past to the second and further generations of descendants of the survivors ... [this] intergenerational trauma ... is defined as the subjective experiencing and remembering of events in the mind of an individual or the life of a community, passed from adults to children in cyclic processes as 'cumulative emotional and psychological wounding.'

**Links to Contact with the Criminal Justice System**

30 *Pathways to Justice* cited earlier reports acknowledging links between the removal of Aboriginal children from their families and contact with the criminal justice system:

The RCIADIC (Royal Commission into Aboriginal Deaths in Custody) noted that almost 43 of the 99 Aboriginal and Torres Strait Islander people whose deaths were reviewed had experienced childhood separation from their families through intervention by the State, mission organisations or other institutions, and made a number of recommendations directed at welfare, youth justice services and police aimed at breaking the cycle of incarceration for Aboriginal young people. The Bringing Them Home Report highlighted the relationship between being placed in out-of-home care and the increased likelihood of coming into contact with the criminal justice system, through an examination of the lasting effects of institutionalisation on Aboriginal and Torres Strait Islander children.

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42 Australian Law Reform Commission, *Pathways to Justice* (n 8) 51; Aboriginal and Torres Strait Islander Healing Foundation, *Bringing Them Home 20 Years On* (n 2).
43 Aboriginal and Torres Strait Islander Healing Foundation, *Bringing Them Home 20 Years On* (n 2) 21.
The 2018 AIHW study commissioned for the *Bringing Them Home 20 Years On* report found that, compared with Aboriginal and Torres Strait Islander people who were not removed, members of the Stolen Generations are:

- 3.3 times as likely to have been incarcerated in the last five years;
- 2.2 times as likely to have ever been formally charged by police; and
- 2 times as likely to have been arrested in the last five years.\(^{46}\)

The study found that:

- 22% of the Stolen Generation born before 1972 had been incarcerated at least in their lifetime, including 4% in the five years prior to the publication of the 2018 report; and
- 52% had been formally charged by police in their life-time. Of those formally charged by police, 22% were first charged at the age of 14 or younger.\(^{47}\)

The study further identified that, compared with Aboriginal and Torres Strait Islander people who did not experience any type of removal (including being removed themselves or having a family member removed) descendants of the Stolen Generations are:

- 1.5 times as likely to have been arrested in the last five years; and
- 1.4 times as likely to have ever been formally charged by police.\(^{48}\)

In other words, 41% of descendants have been at least once formally charged by police.\(^{49}\)

Treatment and Healing*

In the 1997 *Bringing Them Home* report, the Human Rights and Equal Opportunity Commission made 54 recommendations, summarised in the *Bringing Them Home 20 Years On* report.\(^{50}\) A number of the recommendations included important systemic and policy responses, including the following recommendations relating to individuals:

- records, family tracing and reunion services to help families reconnect.\(^{51}\)

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\(^{46}\) Australian Institute of Health and Welfare, *Aboriginal and Torres Strait Islander Stolen Generations and Descendants: Numbers, Demographic Characteristics and Selected Outcomes* (n 4) xiv.

\(^{47}\) Ibid 27.

\(^{48}\) Ibid xvi.

\(^{49}\) Ibid 50.

* Note: The research contained in relation to treatment and healing does not attempt to prescribe or recommend what is required for any individual. This will of course be determined by factors such as the individual’s personal experience or condition, the advice of any relevant experts, health providers or other support persons and the availability of treatment and opportunities to recover and heal.

\(^{50}\) Aboriginal and Torres Strait Islander Healing Foundation, *Bringing Them Home 20 Years On* (n 2) 11.

\(^{51}\) Ibid. See also LinkUp NSW Aboriginal Corporation, ‘Reunification’ (Web Page).
• rehabilitation for survivors of forcible removal, including local healing and wellbeing approaches; 52
• guarantees against repetition, including the implementation of self-determination approaches to the well-being of Indigenous children and young people. 53

36 Bringing Them Home 20 Years On recommended three areas for action, including a comprehensive response for Stolen Generations: Ensuring the holistic needs of the Stolen Generations are met, including dedicated needs-based funding and a universal, culturally safe and trauma-informed financial redress scheme. 54

37 The report emphasised that ‘appropriate support for Stolen Generations members and their descendants cannot be provided without a good understanding of the historical and living trauma that they are experiencing.’ 55 It states that existing training for police, welfare services, health and mental health providers and institutions does not respond effectively to increasing distress Stolen Generations members and their descendants might experience by coming into contact with these services, often agents of harm from their past. 56 Further, trauma-informed training currently available is not culturally informed. 57

38 The second recommended area for action relates to healing intergenerational trauma:

Addressing the serious, widespread, and worsening effects of unresolved intergenerational trauma arising from the processes of colonisation and from the forcible removal of children, as the driver of many health, social and wellbeing issues affecting Aboriginal and Torres Strait Islander peoples including the Stolen Generations, their families and descendants. 58

39 The 1997 Bringing Them Home report also found that any treatment and healing for survivors of forcible removal must emphasise local Indigenous healing and well-being perspectives. 59

Our principle finding is that self-determination for Indigenous peoples provides the key to reversing the over-representation of Indigenous children in the child welfare and juvenile justice systems of the States and Territories. 60

40 The National Inquiry concluded that ‘[o]nly Indigenous peoples themselves are able to comprehend the full extent of the effects of the removal policies.’ 61

52 Aboriginal and Torres Strait Islander Healing Foundation, Bringing Them Home 20 Years On (n 2) 11.
53 Ibid.
54 Ibid 27.
55 Ibid 30.
56 Ibid.
57 Ibid.
59 Human Rights and Equal Opportunity Commission, Bringing Them Home (n 3) 345.
60 Ibid 15.
61 Ibid 277.
41 Peeters, Hamann and Kelly emphasise the need for reconnection with family, culture and country, the importance of Aboriginal counsellors in the healing process, and conclude that healing requires a holistic approach:

For us, healing involves mind, body, spirit, spirituality, family, culture and sometimes (if we are lucky) country. It is about finding our ‘belonging place’, whatever that might mean to each of us. How we were removed, and the diverse experiences we had following removal, have created unique individuals, and the ‘belonging place’ we find for ourselves will reflect this diversity. The pathway to recovery involves mind, body and spirit and is holistic in that culture, identity and reconnecting with family, community and country are central to the healing journey.

42 Anthony, Sentance and Bartels, in research focused on Indigenous women, emphasise the importance of community:

Healing involves not only individuals, but communities. It strengthens Indigenous self-determination on a collective and personal level (Cox, 2008). Healing programs and services located in Indigenous organisations strengthen the community by virtue of providing Indigenous people with control over their own well-being. The work of these Indigenous organisations strengthens bonds and relationships, among people and with country (Cox et al., 2009). They also enhance the social and emotional well-being of Indigenous users of their services by operating in a holistic, strengths-based framework. They are centred on Indigenous knowledges, cultures and spirituality (Sherwood et al. 2015, 186-187, see e.g. Murrigunyah Family & Cultural Healing Centre, 2019).

43 Further, they acknowledge that programs which are self-determined, ‘strengths-based and holistic’, ‘support the strengths, resilience and resistance that exist within community’.

44 Black, Federico and Bamblett state:

Cultural healing works, it returns what was taken; this is healing. Strengthening and practicing culture is itself healing. Cultural healing is based on thousands of years of wisdom and the potential power of cultural healing needs to be acknowledged and amplified.

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63 Ibid 504.

64 Ibid 498.

65 Anthony, Sentance and Bartels (n 1).

66 Ibid.