

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
AUSTRALIAN HUMAN RIGHTS COMMISSION

Question No. 2

Senator Siewert asked the following question at the hearing on 14 February 2012:

Senator SIEWERT:...Yesterday the Stolen Generations Alliance had a forum in Parliament House to coincide, obviously, with the anniversary of the apology. They raised an alarming statistic. We already know about the alarming number of Aboriginal and Torres Strait Islander people in incarceration, but they also highlighted the number from the stolen generation that are in incarceration in New South Wales as an example of the continuing effect. Has there been any analysis done nationally? They said there do not seem to be the same figures available for some of the other states. Are you aware of any work that has been done or is being undertaken?

Mr Gooda: I am not aware of any work, except if you go back to the Royal Commission into Aboriginal Deaths in Custody. They talked extensively about the number of people incarcerated from the stolen generation.

Senator SIEWERT: Exactly. As we know, March last year was 20 years since that report was released and we know that a number of the recommendations have not yet been implemented and we know there is some ongoing work in reviewing their implementation. Given that we are still waiting for that work, are you aware of any work that has been done recently around the number of people that are incarcerated and their link with the stolen generation?

Mr Gooda: I am not aware.

Senator SIEWERT: Is it work that has been done by the commissioner in the past? I know work has been done on incarceration.

Mr Gooda: I am not sure. I could take that on notice.

Senator SIEWERT: If you could, that would be really appreciated.

The answer to the honourable senator's question is as follows:

Other than the *Royal Commission into Aboriginal Deaths in Custody* in 1991 and the report of the *National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families, Bringing them home* in 1997, the Australian Human Rights Commission is not aware of any research or analysis conducted on the number of stolen generations members incarcerated nationally.

The Royal Commission into Aboriginal Deaths in Custody identified that of the 99 people who died in custody prior to the inquiry 'forty-three of them experienced childhood separation from their natural families through intervention by State authorities, missions or other institutions'¹ The *Bringing Them Home Report* also noted that nearly half of the cases investigated in the Aboriginal Deaths in Custody report noted that:

There is clearly a direct association between removal and the likelihood of criminalisation and further instances of removal. The compounding effects of separation and criminalisation were shown dramatically in the Royal Commission into Aboriginal Deaths in Custody investigations. Forty-three of the 99 Indigenous people who died in custody had been removed from their families as children; 43 had been charged with an offence at 15 years of age or younger (National Report 1991 Volume 1 pages 5-6).²

¹ Royal Commission Into Aboriginal Deaths In Custody, National Report, vol 1, para 1.2.17.

² Australian Human Rights Commission, *National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families, Bringing them home*, at http://www.humanrights.gov.au/pdf/social_justice/bringing_them_home_report.pdf, (viewed 24 February 2012) .