



## Royal Commission into Aboriginal Deaths in Custody Recommendation

### 49. Aboriginal Census

*That proposals for a special national survey covering a range of social, demographic, health and economic characteristics of the Aboriginal population with full Aboriginal participation at all levels be supported. The proposed census should take as its boundaries the ATSIC boundaries. The Aboriginal respondents to the census should be encouraged to nominate their traditional/contemporary language affiliation. I further recommend that the ATSIC Regional Councils be encouraged to use the special census to obtain an inventory of community infrastructure, assets and outstanding needs which can be used as data for the development of their regional plans.<sup>1</sup>*

<b>Background<sup>2</sup></b>	The Royal Commission into Aboriginal Deaths in Custody (RCIADIC) emphasised much of the knowledge of Aboriginal society that is derived from social indicators comes as a by-product of data collected for administrative purposes. The RCIADIC highlighted the value of and need for a special national survey covering a range of social, health, demographic, and economic characteristics of the Aboriginal population. At that time, the Australian Bureau of Statistics (ABS) had raised the possibility of conducting such a survey. The Commissioners were supportive of this proposal, noting that ‘it should be conducted with full Aboriginal participation at all levels’.
<b>Intent</b>	Conduct a special national survey of the Aboriginal population with full Aboriginal participation.
<b>Responsibility</b>	The Commonwealth and all state and territory governments.
<b>Key contacts</b>	Australian Bureau of Statistics.
<b>Key action taken</b>	
<b>2005 Review<sup>3</sup></b>	Recommendation 49 was not assessed by the Victorian Government as it was deemed to be the sole responsibility of the Commonwealth Government.
<b>2018 Review<sup>4</sup></b>	<b>Commonwealth Government</b> Deloitte concluded that the Commonwealth had <b>partially implemented</b> Recommendation 49 through the implementation of the National Aboriginal and Torres Strait Islander Social Survey (NATSISS) and National Aboriginal and Torres Strait Islander Health Survey (NATSIHS).

<sup>1</sup> Royal Commission into Aboriginal Deaths in Custody (Final Report, 1991) vol 2, 62 ('RCIADIC').

<sup>2</sup> Ibid vol 2, 54-62 [11.3.1].

<sup>3</sup> Aboriginal Justice Forum (Vic), Department of Justice (Vic), *Victorian Implementation Review of the Recommendations from the Royal Commission into Aboriginal Deaths in Custody* (Review Report, October 2005) vol 1, 680-681 ('2005 Review').

<sup>4</sup> Deloitte Access Economics, Department of Prime Minister and Cabinet, *Review of the Implementation of the Recommendations of the Royal Commission into Aboriginal Deaths in Custody* (Report, August 2018) 104-6 ('2018 Review').

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### Victorian Government

Deloitte concluded that the Victorian Government had **fully implemented** Recommendation 49 by cooperating with national surveys of Aboriginal and Torres Strait Islander people.

### Since then

#### Australian Bureau of Statistics<sup>5</sup>

The ABS conducts dedicated surveys for Aboriginal and Torres Strait Islander peoples, covering areas like health, culture, education, and employment, across both urban and remote communities.

The data gathered supports the planning, delivery, and evaluation of programs and services, informs progress on Closing the Gap targets, and provides insight into community wellbeing.

These surveys rely on strong community participation to produce comprehensive and meaningful information.

*There is increasing demand for higher quality data about Aboriginal and Torres Strait Islander peoples to inform key policy initiatives such as Closing the Gap, and to better fulfil ABS' commitment to return information to the community. We are dedicated to early and ongoing conversations with Aboriginal and Torres Strait Islander peoples to increase the participation in, and relevance of, our statistical collections.*

#### National Aboriginal and Torres Strait Islander Social Survey<sup>6</sup>

The NATSISS was first collected in 2002 as a follow on from the 1994 National Aboriginal and Torres Strait Islander Survey. It gathers detailed information on the social and cultural experiences of Aboriginal and Torres Strait Islander peoples.

The most recent survey in 2014–15 collected data from 11,178 participants across Australia on topics such as language, culture, wellbeing, health, education, employment, justice, housing, and life stressors.

#### National Aboriginal and Torres Strait Islander Health Survey<sup>7</sup>

The NATSIHS was first collected in 1995, and then again in 2004–5, 2012–13, 2018–19, 2022–23.

The 2018–19 National Aboriginal and Torres Strait Islander Health Survey (NATSIHS) collected data on long-term health conditions, healthcare use, physical measurements (including hearing tests), and risk factors like diet, exercise, smoking, and substance use. For the first time, it included data on mental health conditions, medications, sugary drink consumption, and physical harm.

This information helps improve health services and programs, aiming to better support the social and emotional wellbeing of Aboriginal and Torres Strait Islander peoples.

<sup>5</sup> 'Aboriginal and Torres Strait Islander Engagement', *Australian Bureau of Statistics* (Web Page, 2023) <<https://www.abs.gov.au/about/aboriginal-and-torres-strait-islander-peoples/aboriginal-and-torres-strait-islander-engagement>> ('Aboriginal and Torres Strait Islander Engagement').

<sup>6</sup> 'Aboriginal and Torres Strait Islander Surveys', *Australian Bureau of Statistics* (Web Page, 2023) <<https://www.abs.gov.au/about/aboriginal-and-torres-strait-islander-peoples/aboriginal-and-torres-strait-islander-surveys>> ('Aboriginal and Torres Strait Islander Surveys').

<sup>7</sup> Ibid.

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### **National Aboriginal and Torres Strait Islander Nutrition and Physical Activity Survey<sup>8</sup>**

The NATSINPAS, first conducted in 2012–13, collects data on diet and physical activity. It covers topics such as food and drink consumption, exercise, sedentary behaviour, sleep, and selected long-term health conditions like diabetes, heart disease, and kidney disease.

The NATSINPAS most recently visited communities across the country throughout 2023 as part of the Intergenerational Health and Mental Health Study.

### **Evidence of impact**

#### **Authorising documents**

None identified.

#### **Outputs**

The National Aboriginal and Torres Strait Islander Survey, conducted by the ABS in 1994, was the first nationwide survey of Aboriginal and Torres Strait Islander peoples. It was carried out in response to Recommendation 49.

The ABS has delivered several national, Aboriginal and Torres Strait Islander-specific surveys since then. These surveys cover a wide range of topics such as health, culture, education, employment, justice, and wellbeing. Survey content has been informed by consultation with expert advisory panels, government and non-government stakeholders, and Aboriginal and Torres Strait Islander peak bodies. Where possible, local Aboriginal and Torres Strait Islander advisors have supported data collection in communities.

#### **Outcomes**

Targeted surveys have strengthened the evidence base available to inform programs, policy, and service delivery for Aboriginal and Torres Strait Islander peoples. The data collected has been used to monitor social and health outcomes, inform service design, and assess progress against national priorities such as the Closing the Gap targets. Improvements in survey content, such as the inclusion of new mental health and harm-related measures, reflect responsiveness to stakeholder engagement. While Aboriginal and Torres Strait Islander input has increased, the level of Aboriginal leadership and representation in survey governance structures is not consistently clear. Nonetheless, the surveys have contributed to greater visibility of Aboriginal and Torres Strait Islander lived experiences in national datasets.

#### **Community views**

### **Closing the Gap Independent Aboriginal and Torres Strait Islander Review<sup>9</sup>**

*Much of the national data currently available to communities is drawn from census collections, making it infrequent, outdated, and insufficiently localised. Key employment, health, and education datasets are often unavailable at the community level and lack the nuance needed to inform effective program design.*

<sup>8</sup> Ibid.

<sup>9</sup> Jumbunna Institute for Indigenous Education and Research, *Closing the Gap Independent Aboriginal and Torres Strait Islander Led Review* (June 2025) 135-137 ('Closing the Gap Independent Aboriginal and Torres Strait Islander Led Review').

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### **Professor Tom Calma (former Aboriginal and Torres Strait Islander Social Justice Commissioner)<sup>10</sup>**

*The first National Aboriginal and Torres Strait Islander Survey was carried out in 1994, so there's now 20 years of detailed data available for us to look at and discuss. This survey is not just about Aboriginal and Torres Strait Islander people, it's for us. We need this information to make sure that we are getting things right - we need to feel confident that our issues are accurately reflected in government policies, programs, and services.*

### **Professor Maggie Walter, University of Tasmania<sup>11</sup>**

*From an Aboriginal stakeholder point of view, the institutional understanding of Aboriginal interests, perspectives and life experiences still appear very limited and, in particular, that in 2013 (as in 2003) the ABS did not employ any Aboriginal people in the team working on NATSISS.*

*Aboriginal peoples, despite roundtables and consultation, remain largely marginalised from the design, production and use of the NATSISS data.*

*Aboriginal people need to be intimately involved in all aspects of planning, developing, designing, implementing and analysis of NATSISS; in terms of working directly on the survey within the ABS and in guiding its design, development, implementation and interpretation of results.*

## **Related recommendations**

None identified.

## **Assessment summary<sup>12</sup>**

The intent of Recommendation 49 was to conduct a special national survey of the Aboriginal and Torres Strait Islander population with full Aboriginal participation.

While national Aboriginal and Torres Strait Islander surveys—covering social, health, nutrition, and physical activity—provide a broad evidence base to support policy and service responses, the data often can't be disaggregated to provide our communities and organisations with the level of information they need to make decisions about place-based programs and services.

The intent of full Aboriginal participation has not been realised. The Australian Bureau of Statistics' (ABS) acknowledge the importance of Aboriginal involvement in survey design and delivery, but Aboriginal leadership and governance in survey oversight appears limited.

<sup>10</sup> Australian Bureau of Statistics, 'Key Aboriginal & Torres Strait Islander data released', ABS (Media Release, 28 April 2016)

<[<sup>11</sup> Maggie Walter, 'The 2014 National Aboriginal and Torres Strait Islander Social Survey is an Anachronism' \(2013\) \*ON LINE opinion 1\* \('The 2014 NATSISS is an Anachronism'\).](https://www.abs.gov.au/ausstats/abs@.nsf/Lookup/by%20Subject/4714.0~2014-15~Media%20Release~Key%20Aboriginal%20&%20Torres%20Strait%20Islander%20data%20released%20(Media%20Release)~10000#:~:txt=%22The%20first%20National%20Aboriginal%20and%20Torres%20Strait,Torres%20Strait%20Islander%20people%2C%20it's%20for%20us.> ('Key Aboriginal & Torres Strait Islander data released').</a></p></div><div data-bbox=)

<sup>12</sup> Meeting with Aboriginal Justice Caucus Working Group (Project Team, In Person, 7 June 2023) ('Working Group Meeting (7 June 2023)'); Meeting with Aboriginal Justice Caucus (Project Team, In person, 19 July 2023) ('Aboriginal Justice Caucus Meeting (19 July 2023)').

## Assessment of Recommendation 49

**Is the intent of the recommendation accurately described?**

Yes  No

**Does the action taken align with the intent of the recommendation?**

0 – No action taken

1 – Action taken is of little relevance to the intent of the recommendation

2 – Action taken partially aligns with the intent of the recommendation

3 – Action taken fully aligns with the intent of the recommendation

**3**

(Score out of 3)

**Is there evidence of the desired impact or outcome/s?**

0 – No evidence

1 – Evidence of output rather than outcome

2 – Some evidence action contributed to outcome/s

3 – Clear link between action and impact or outcome/s

**2**

(Score out of 3)

**How relevant is the recommendation in the current context?**

0 – No relevance – refers to practices, agencies or laws that no longer exist

1 – Low – some relevance, but most aspects of the recommendation no longer apply

2 – Moderate – remains relevant, but some aspects of recommendation no longer apply

3 – High – entirely relevant to current context

**2.75**

(Score out of 3)

**Does full implementation have the potential to reduce incarceration, increase safety in custody and/or progress Aboriginal self-determination?**

0 – No potential to improve Aboriginal justice outcomes

1 – Low – potential to improve Aboriginal justice outcomes, but none of the three identified

2 – Moderate – potential to progress one or two of the outcomes identified

3 – High – potential to reduce incarceration AND increase safety in custody AND self-determination

**2**

(Score out of 3)

### Potential actions for further work

No actions identified.

## Moderate priority for further work

### Relevance and potential impact

		Low (0-2)	Moderate (3-4)	High (5-6)
Extent of action taken and evidence of outcomes	High (5-6)			Rec 49
	Moderate (3-4)			
	Low (0-2)			

## Bibliography

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- Royal Commission into Aboriginal Deaths in Custody* (Final Report, 1991)
- Walter, Maggie, 'The 2014 National Aboriginal and Torres Strait Islander Social Survey is an Anachronism' (2013) *ON LINE opinion 1*