

**NOONGAR (KOORAH, NITJA, BOORDAHWAN)
(PAST, PRESENT, FUTURE) RECOGNITION BILL 2015**

Second Reading

Resumed from an earlier stage of the sitting.

MS R. SAFFIOTI (West Swan) [2.51 pm]: I rise to continue comments I made before the lunchtime adjournment. I was talking about Yagan and saying that he is a very important figure throughout the Swan Valley. I was retelling a bit of his story through this debate. I will read from a description of Yagan's death that was prepared by the South West Aboriginal Land and Sea Council. It states —

Yagan eluded capture until July 1833 when he was shot by two ... boys on the Upper Swan. Yagan was walking with a group of Noongar maaman, including Heegan when they met up with brothers, William and James Keats, whom they knew. Waiting for the opportune moment, the older brother William took aim and shot at Yagan.

The article then refers to Yagan's legacy, and states —

Yagan remains a significant and legendary figure to Noongar people. He is a symbol of resistance to the European colonization of country and culture.

On the 1st of September 1997, a delegation of Elders brought Yagan's head or 'kaat' back to Noongar country. Hannah McGlade wrote: 'Old Nyungar men are singing and the clapping sticks can be heard throughout Perth's international airport late in the night'.

...

Now, 177 years after his death, Yagan's kaat has been reburied in a Memorial Park in the Swan Valley.

As I said, I was lucky enough to be there on that day in 2010. The City of Swan and the then Labor government had committed funding to build the Yagan Memorial Park to honour the Noongar activist. The article continues —

Richard Wilkes stated: 'It is very important because I believe that spiritually, once we rebury Yagan's kaat into the ground then his spirit will become one again and the spirit of Yagan will rise up in and amongst us'

The late Noongar elder Ken Colbung was then quoted as saying —

the spirit of Yagan would now be able to join the continuum and could perhaps live on in a new body. His fighting spirit and stance against injustice should at least live on in our history.

I wanted to put that on record in the debate on this bill. As I said, Yagan was a very powerful and influential figure whose legend is very well known in the Swan Valley area.

Lastly, I will raise a continuing Aboriginal issue in my electorate involving the community of Cullacabardee, which I mentioned before lunch. As I said, this community has been there for a number of years. Most recently, I had a meeting about Cullacabardee with the members for Victoria Park and Kwinana and a number of concerned people. We have since approached the government, in particular the minister. At the time—about two years ago—I also remember approaching, with the member for Victoria Park, the director general of the department about Cullacabardee, its future and what was happening. I understand that its future is tied up, but I hope that through this process we can provide better homes and a better community for the people who want to live there. Ultimately, the feedback that I get is that for some people it is not a safe place to be, while for others it is. A more inclusive community would be very much appreciated. I thought I would use this opportunity to again raise the need for the government to take these issues on board.

I have approached a number of agencies about concerns raised with me about Cullacabardee over the past few years, including Western Power, the Housing Authority, the Department of Aboriginal Affairs, possibly the Department of Education, and a number of different organisations and other departments. Different concerns have been raised at different times. Some concerns were raised by one of the former heads of the community about infrastructure, including access to electricity, the state of the electricity network, the state of the buildings, and the number of pests or dogs in the community—so different issues have been raised. I have asked the minister and the department to take a more hands-on role with this community. I know there are jurisdictional issues with the federal government. The Premier has talked about other communities throughout the state, but we have been asking for the government to give us some assurance that it will work with the local community in Cullacabardee to make it a safe place for people to live in. I have met a lot of people who have left the community over many years who did not feel safe there, even though originally it was a place where they wanted to live. That is a real concern, because it was meant to be a safe, welcoming community for people throughout the area. I hope that this process and the other bill will help identify and sort out some of the issues. I have been

pleading with the minister to take a more hands-on approach with this community, because not a day goes by—I am sure the members for Kwinana and Victoria Park agree—that we do not get some information or some contact from members of the community about the state of Cullacabardee.

Another issue that has played out in my electorate involving Aboriginal affairs more generally is the closure of Culunga Aboriginal Community School, which unfortunately shut its doors a number of years ago. It had enormous issues, but when I visited it on a number of occasions, it struck me that at the time many of these children were going to school because of the services and the way it was run. Kids used to go to that school from all around the suburbs. I remember that kids were going there from Kenwick and other places on the border of the Swan Valley. At the time, we asked the Minister for Education to work with the local school and the community to ensure that it could continue, but I fear that its closure has meant that a number of the young children who attended that school probably do not have a similar school or environment in which they can be educated. I just wanted to raise that matter as well.

As I said, Labor supports the Noongar (Koorah, Nitja, Boordahwan) (Past, Present, Future) Recognition Bill 2015. It is part of the journey of reconciliation. It is an important bill and we welcome it.

MS J. FARRER (Kimberley) [3.00 pm]: I rise to speak on the Noongar (Koorah, Nitja, Boordahwan) (Past, Present, Future) Recognition Bill 2015. I would like to pay my respects to the Noongar people, as well as to the Premier for acknowledging the importance of this bill and seeing it through to finalisation. Apparently, more than 30 000 Noongar people who use the many different dialects in the Noongar tribe will benefit from this bill and the native title settlement. When this bill passes and the state accepts it has happened, it will lead to proper recognition and reconciliation. Aboriginals want and need that because it will provide the support required to transition to the mainstream and develop genuine bipartisan reconciliation. The bill also recognises the plants and animals on the land, and the use for thousands of years of plants of cultural significance in many practices. Our people have maintained the pristine condition of the river systems and have looked after country for thousands of years. We earlier heard the member for Gosnells talking about the plants and the condition of the land. I hope the recognition bills passed through Parliament will promote more involvement of Aboriginal people in crucial decisions relating to land, culture and heritage. I would also like to see the government start fast-tracking consent determination for other native title groups because it is very, very important for our people. This government must support Aboriginal people having a voice in decision-making, particularly in matters involving land, heritage and economic development. That is all, thank you, Mr Speaker.

MR W.J. JOHNSTON (Cannington) [3.02 pm]: It is always good to stand and speak in a debate when Parliament is doing something positive. Clearly, the Noongar settlement and the recognition provided through the Noongar (Koorah, Nitja, Boordahwan) (Past, Present, Future) Recognition Bill 2015 is Parliament doing something good. It is also special to follow my good friend the member for Kimberley in making a contribution to the debate. She is a person of great standing in the Indigenous community of Western Australia. The Labor Party is very proud of the fact that the member for Kimberley chose to come and serve in Parliament on behalf of the Labor Party. A woman of her stature had many things she could have done with her life, so for her to make a contribution to Parliament is very special for the Labor Party. We really appreciate the contribution she makes, as we did for the former member for Kimberley, Carol Martin, who is another impressive Indigenous representative for the Labor Party and people of the Kimberley. Of course, we have seen other Indigenous representatives, such as the member for Victoria Park and Ernie Bridge, who also made a contribution. Of course, he ended up as an Independent, but he entered Parliament as a Labor member. The Labor Party is very pleased to see that Pat Dodson will very soon join us as a Labor senator for Western Australia, and we look forward to the current occupant of the position, Senator Bullock, completing his tenure at the end of the current sitting of the Senate, and I imagine sometime in the near future —

Mr C.J. Barnett: He hasn't resigned yet.

Mr W.J. JOHNSTON: I know. When he announced his resignation, he made it clear that because of the narrow balance of power in the Senate, he would not resign until after the current sittings. All members know that a casual vacancy in the Senate is filled by a vote of a joint sitting of state Parliament, and we will all have the opportunity to vote to put Pat Dodson into the Senate.

Mr C.J. Barnett: I think I have to nominate him, so I am thinking very carefully about that!

Mr W.J. JOHNSTON: We can go back to the Albert Field story about why the Premier does not have a choice, but manipulation of Senate vacancies was a specialty of the Queensland Liberal–National Party government; I did not think it would be an issue over here.

This legislation is about the maturing of our attitudes to the Indigenous contribution to Australia. I am not going to go over it all again because I spoke extensively on the Indigenous contribution to Western Australia's history on 19 August 2015 in the debate on the Constitution Amendment (Recognition of Aboriginal People) Bill 2015

that recognises the prior occupation of Western Australia. I will draw attention to my commentary from the book *Forgotten War* by Henry Reynolds. He quotes from a letter written by Governor Arthur of Tasmania, in which Governor Arthur was describing the situation in South Australia. On 19 August 2015, I made the point that it could just as easily have applied to Western Australia. Governor Arthur wrote —

We are Intruders. ... They are the native burghers of this wilderness and every contest with them must be fought within those confines, which they have inherited from their Ancestors. ...The natives of South Australia, who are said to be numerous, cannot be expected to give up or retire from their native hunting grounds, unless they be purchased from them, without struggle, ...

This settlement bill will finally provide proper recognition of the Noongar people being not just the occupiers of the land, but the governing force of the land. The fact that Noongar culture was different from western culture did not make it any less valuable, although white settlers believed it to be in 1829. The white settlers arriving at that time believed it to be inferior, but they were wrong. It was different; it was not inferior. Although those settlers may not have recognised the clear cultural, political and legal basis of those Noongar people occupying the south west of Western Australia, there is no doubt the Noongar people were in fact governing that area. When the white settlers arrived, they acted wrongly. I make the point that even at the time, the white people knew they were acting wrongly. A whole range of cultural and political reasons exist for them doing that, but the fact is that that was understood even at that time. I will not go over everything I said last time, but the so-called culture war was an invention of the twentieth century; it was not a nineteenth century issue because the nineteenth century settlers knew exactly what was happening and that is the language they used. They used the language of conflict and they used the language of subjugation, and although they acknowledged the Indigenous prior occupation of the land, they just did not respect it. That is what we are now resolving. We are finally resolving that respect. There might have been 100 years from 1900 to 2000 when the descendants of white settlers refused to acknowledge what happened—if we go back to the nineteenth century, they knew what was happening—and we now know what was happening. But now, unlike in the nineteenth century, we are finally providing the proper respect, and I think that is great. I think that is a good change. It was not so long ago that things were different. I quote from a 1985 policy document of the Liberal Party of Western Australia that sets out a number of general principles in respect of land. It states —

We believe that:

- Aborigines, as Australian citizens, should be entitled to all of the same rights and privileges and be subject to the same obligations with respect to land, as other Australian citizens.
- All Australians should have the right to acquire and to own land.
- Laws relating to the use and ownership of land must be the same for all Australians.
- Aborigines should be encouraged to acquire land.
- In appropriate situations, Aborigines should be assisted to acquire land—this land to be held under a title similar to that available to other Australians.

Then it concludes —

In view of these principles we do not agree with the granting of land to Aborigines through Land Rights legislation. Similarly we do not accept that Aborigines have any special rights to the sea.

That was wrong, and we are finally fixing that wrong. It is probably true that if we looked at the Labor Party in the early 1960s rather than the 1980s, it would have had a very similar view, and it was wrong at that time as well. Of course, here in Western Australia we can be very proud of the role played by Kim Edward Beazley—that is, Kim Beazley Sr—in the campaign to have the federal Constitution amended to recognise Aboriginal Australians as citizens. Again, if we read the words of people like Kim Beazley Sr, we can see that they recognised the injustices being perpetrated by white people against black people.

Again, if we go to the question of the culture wars, people who are on the other side of the culture debate from the one that I occupy often try to say, “Oh, well, it wasn’t about race. It wasn’t that the people of the nineteenth century or the twentieth century were being racist; it was just that those were the views of the time.” I am not going to go through and quote all the examples I quoted in the other debate, but if we actually read the words of people from that time, they were being racist. They were saying that white people were superior to black people. We heard the language quoted by the member for Armadale; that was racism, although it may not have been recognised as racism. One of the reasons that Aboriginal recognition in the federal Constitution got such overwhelming support was that by then even the federal cabinet, as we now know from the release of cabinet papers, knew that Australia was likely to be seen as a pariah state in the world in the same way that South Africa was seen at that time, which eventually led to South Africa being expelled from a whole range of international institutions and banned from participation in a range of sporting events et cetera. Australia was actually on the

brink of being in the same situation in the 1960s, and it was the federal referendum on Aboriginal recognition in the Constitution that overcame that dangerous situation. Again, this is part of that proper reconciliation—one more step along the way to admitting that white Australians got things wrong and that we have to move forward.

I do not say that because I am wearing a hairshirt and I am going to beat myself over the head; these are the facts and this is what happened. We cannot deny the facts. There is an Indigenous Australian living in my electorate who is blind in one eye because he was not provided medical attention as a child, for the reason that he was not allowed to come to Perth because there was no accommodation available for—to use the terminology of the time—a “native boy”; those were the exact words used by the then Chief Protector of Aborigines in respect of my constituent. We still have some distance to go. This is, of course, a great step forward, and I congratulate the Noongar people for coming to this settlement, and I look forward to the operation of the settlement providing benefits to Western Australian Noongar people.

I am indebted to my good friend the member for Warnbro, who points out that there has been a 576 per cent increase in the number of Aboriginal women being jailed as fine defaulters over the last seven years in Western Australia. That cannot be allowed to stand. It is a serious error by the government. My colleague the member for Warnbro’s discussion paper, “Locking in Poverty”, is a very well thought through policy agenda, and I encourage the government to not just say that it wants to do something about lowering Indigenous incarceration, but actually act on it. One way it could act on it would be to take up the recommendations of my colleague’s paper. He points out that one-third of women entering prison are fine defaulters, which is a terrible situation in Western Australia. Forty per cent of the adult jail population in Western Australia are Indigenous, and I understand that there are now 52 per cent more Aboriginal people in jail than there were in 2008.

I draw attention also to the Royal Commission into Aboriginal Deaths in Custody. Last year, or in 2014, we debated a bill that dealt with the way in which people are sentenced for home burglaries. I asked the Minister for Police how that bill was consistent with the recommendations of the Royal Commission into Aboriginal Deaths in Custody. Not only did she not know the answer, but also she did not understand the question. It was disappointing that the minister clearly had not given consideration to the impact of the proposed legislative change in the light of that royal commission. What is the point of having these hundreds of recommendations from the royal commission if we do not act on them? There needs to be better alignment between what we say we want and what we actually do. Again, the Noongar (Koorah, Nitja, Boordahwan) (Past, Present, Future) Recognition Bill 2015 is a good step forward. It is another step down that path.

I draw the house’s attention to the protest on Heirisson Island—the protest camp there. Sometimes I am shocked by the things said by people ringing radio stations whenever there is a controversy about the protesters on Heirisson Island. When my kids were younger, we used to go there and use the playgrounds on Heirisson Island and walk around, but I can tell members that not a lot of people use that island, so I do not understand why there are more people ringing up to complain about the occupation of the island by Indigenous protesters than there are people using the facilities there. It does not make any sense. Why would they object to the protest on Heirisson Island? It does not make any sense. It is a peaceful protest; they sit there. Yet I hear people ringing up the radio stations and saying, “I wouldn’t be allowed to camp there.” Actually, they would. People can camp on a road reserve; that is actually legal. Of course, they can camp on a road reserve for only 24 hours, and perhaps the people on Heirisson Island are staying longer than that, but I ask why there would be any objection to people camping out there. The reality is that very few people with a house, a car, a boat and a holiday home are going to sit in a tent for three weeks in the rain. That is just the reality.

Ms J. Farrer interjected.

Mr W.J. JOHNSTON: That is right. If they want to know, go and talk to them. I have mentioned in this place before that a friend of mine in Canberra was the person who, as a legal clerk, defended the Aboriginal Tent Embassy in Canberra—which is, of course, the world’s longest continuous protest site—because he saw the injustice of what was happening. I remember driving home one night from the city and seeing at least half a dozen police cars and a couple of police vans parked on Heirisson Island with their lights flashing, ready to arrest all the protesters. What an overreaction.

Mr P. Papalia interjected.

Mr W.J. JOHNSTON: Yes, a complete overreaction. That is right. How can anybody say that the campers on Heirisson Island are getting in the way of anything?

I am reminded also that yesterday I drove to work past Elizabeth Quay and got stuck in traffic. I then got expelled from the chamber, drove home, got stuck in traffic again at Elizabeth Quay and forgot that I had a meeting here at six o’clock, so I had to drive back and got stuck in the traffic again. After the meeting, I then drove back to my house at 7.30 last night and got stuck in the traffic again. The four times that I became stuck in traffic going past Elizabeth Quay were counted by the state government as four visits to Elizabeth Quay, because it detected my mobile phone as I drove past; it is great. I could not believe it. The interesting thing is that

someone has graffitied the black wall around the Chevron site with “#protectprotestWA”. I think that is right. Look at that Heirisson Island protest. What upsets people so much about that protest?

[Member’s time extended.]

Mrs G.J. Godfrey: There are Aboriginal people protesting against those people camping there.

Mr W.J. JOHNSTON: Sure. Good on them. That is not a problem to me, member for Belmont. That is the whole point.

I watched the movie *Selma* a couple of months ago. It is a dramatisation; it is not exactly what happened and I am not trying to pretend that is the case. There is a dramatic scene when the protesters walk across the bridge and are attacked by police officers. This is in the south of the United States in the 1960s; it is not about Australia today. Of course, they were defenceless and they were attacked. It was an “illegal march” in that they were not allowed to do it, and then a few days later all these others join them—Christians and others from around the country. They joined arms and walked across the bridge. The question I always have is: which side of the street would we be on? Would we be with Martin Luther King in the protest march demanding civil rights or would we be with the police enforcing the law? That is a question every Australian has to think about. History says that Martin Luther King was 100 per cent right but, of course, the protest laws in that location said that the police were right. I am not reflecting on Western Australian police, but I am making the point that we have to think about these things more deeply. We cannot just say that the law states such and such.

Mr D.J. Kelly: Sometimes the law is wrong.

Mr W.J. JOHNSTON: The whole point of civil disobedience is that the law is sometimes wrong, and it does not matter what the law states; it is about what is right. That is what we have in the Noongar (Koorah, Nitja, Boordahwan) (Past, Present, Future) Recognition Bill 2015. This is recognition that for 175 years Western Australian law was wrong. It was wrong and now we are going to get it right. The argument of the people who protested for 175 years demanding Indigenous rights for the Noongar people was not recognised at law, but they were right and they were right the whole way through and now, finally, the law is catching up with the facts.

I commend the bill and congratulate the Premier for introducing the legislation. I look forward to the Noongar people of the south west getting the benefits of this legislation.

MR D.J. KELLY (Bassendean) [3.26 pm]: I rise to give my support to the Noongar (Koorah, Nitja, Boordahwan) (Past, Present, Future) Recognition Bill 2015. In its history this Parliament has passed some pretty awful legislation regarding the traditional owners of the land. I am pleased that I am here today to make a contribution on a bill that really takes us forward, rather than backwards. I start by acknowledging the traditional owners of the land on which we meet and the traditional owners of all the land of Western Australia. This is about acknowledging that the Aboriginal people of Western Australia—sorry, the Noongar people—are the traditional owners of the land covered by this bill. I was getting a bit carried away. I was hoping that this bill would recognise traditional ownership over the whole of Western Australia. Unfortunately, it is only part of the Noongar settlement.

This bill recognises the Noongar people as the traditional owners of the land in the south west. That is a very good thing. It rights a historical wrong that has existed in Western Australia since the arrival of the first Europeans. This bill is part of what is termed “reconciliation”, which is the process that we as a community have embarked upon to really right the wrongs of the past, to really try to build a community in which the traditional owners are recognised, respected, celebrated and as such continue to move and be part of our community now and into the future.

I think reconciliation is very important. It really disappoints me when I hear people say that what happened to the Indigenous population of Western Australia is an issue of the past and that the injustices happened a long time ago and people should just get over it and move on. The truth is that some things happened in the past, but injustices continue to occur to this very day. I can only imagine what it would be like to be in a land where another culture arrives and takes over the land of my ancestors. I can only imagine what that must be like. It would be only natural for people to harbour strong resentment, strong anger and strong feelings, if that was what had happened in their traditional lands. Those feelings would be understandably much stronger if the taking over of their land was accompanied by violence, poverty and degradation. That is what happened here in Western Australia. Indigenous people did not only lose their land. They were subjected to all sorts of violence and the introduction of disease. A range of injustices were brought upon the Indigenous population of Western Australia. In those circumstances, I can understand how Aboriginal people would feel incredibly angry about what has gone on.

In those circumstances, I am really surprised at the generosity of spirit that Aboriginal people show around this issue. I am constantly amazed when I talk to Aboriginal people how willing they are to participate in

reconciliation and to want to move forward. I find that it is some sections of the non-Aboriginal community who are most unwilling to participate. Given the history of Western Australia, I find it amazing that Aboriginal people in such large numbers really want reconciliation to take place, really believe reconciliation is a possibility and put so much effort into making it happen. I do not think there is any shortage of Indigenous people who want to build a community here in Western Australia where everybody is recognised regardless of their race. I say to those sections of the non-Aboriginal community, “Come on board and be part of it.”

As I said at the start, this Parliament has passed some appalling legislation in respect of our Indigenous people of Western Australia. Like most non-Aboriginal Western Australians, I did not know much about it until after I left school. At school, I learnt about apartheid in South Africa and thought, “God, that was an awful arrangement. Fancy passing legislation that gave rights to one racial group but not the other?” I learnt all about that at school. It was not until I went to university and did a bit of nineteenth-century Western Australian history that I learnt we had legislation here in Western Australia that was very similar—the 1905 Aborigines Act. In my view, that was a form of apartheid. It imposed terrible restrictions on the Aboriginal population in Western Australia. Aborigines could not get married without permission, they could not work without permission, and where they could go without permission was restricted. It was absolutely terrible, but I was not taught about that at school. One thing I believe about history is that if people do not understand the history of their own community, they therefore will not be able to understand the issues they confront in their own time. If all a person knows about Aboriginal people is from seeing homeless Aboriginal people or Aboriginal people drinking in a park and they think that is the way Aboriginal people have always been, it gives them a completely uninformed view about what should happen today with those issues. If people understood a bit about the history of our community, most people would have a completely different view of why we are where we are today. That is why it is really important to teach people about the injustices of the past. Some people say that that is just having a black armband view of history and we need to forget about the past and move on. The problem with that is if a person does not understand their past, they will not understand the issues that confront them today, such as suicide in Aboriginal communities. That issue cannot be understood if people do not know the history of our relationship with Aboriginal people here in Western Australia.

I have to say, I am still learning about the history. I had the privilege of going up to Broome last year and I had a look around. I had no idea about the role that Indigenous pearl divers played in the pearling industry until I went on that trip. I learnt that Indigenous people were basically rounded up and forced to be pearl divers. We celebrate the pearling industry here in Western Australia as a great success story and as one of the industries that we should be proud of. The pearls are exported around the world. However, very few people know the appalling history of that industry and the way Aboriginal people were treated. Thankfully, of course, it does not happen today. Looking at the problems in the Kimberley, how would I feel if I was an Aboriginal person and I lost a family member because they had been forced to participate in the pearling industry? The rage inside me would, in my view, be almost uncontrollable, yet that is what occurred. Indigenous people in the Kimberley were rounded up and forced to become pearl divers and participate, virtually as slaves, in an incredibly dangerous industry. Unless we acknowledge what has happened in our past, we cannot achieve true reconciliation and move on. I think it is incredibly important to continue to educate and even redouble our efforts to educate people about our history so that we can achieve true reconciliation.

Some debates in this Parliament, for example about land rights, were not 100 years ago; only 20 or 30 years ago land rights were debated in this Parliament. Terrible things were said in this Parliament in opposition to Aboriginal people having their land rights recognised. It is a sign that we may have come a little bit of the way that there is now bipartisan support for a bill that recognises the traditional ownership of the Noongar people, but it was very recently that those terrible comments were made about land rights in this place. It is not deep, dark history that should be ignored; it is a very recent part of the political debate in this state. Mistakes have been made on both sides of the house on these matters. I was not in Parliament at the time but I was very disappointed that Carpenter’s former Labor government appealed against the determination of land rights for the Noongar people. I was secretary of a union at the time, and I said that that was a bad decision. Bad things have been said on both sides of the house on these matters but the time has come for that to stop. There have been politicians, and regrettably, there are still some today, who are willing to whip up opposition to things like land rights or generally take the stick to Aboriginal people for political gain. I hope that one day very soon, that comes to an end.

On a positive note, I am very proud to be part of the Australian Labor Party. I am very proud that we have nominated Pat Dodson to be a senator for Western Australia. Listening to those land rights debates, I thought Pat Dodson, along with people like Peter Yu, were incredible Aboriginal leaders. I thought they were brilliant to be able to so calmly and articulately make the case for land rights at a time when all sorts of appalling things were being said against them. I thought they were incredible and it is fantastic to now have Pat Dodson nominated by the Labor Party to be a senator for Western Australia. I look forward to the joint sitting of both houses of this Parliament when I will get to be part of voting in favour of Pat Dodson becoming a senator—how

tremendous that will be. It will be a very proud day and I hope it is one more step on the path to genuine reconciliation. Apart from that, on this issue we should always take the opportunity to raise further things that need to be done because the things that need to be done are so important.

I want to comment on a couple of other issues. Aboriginal incarceration rates in Western Australia are appalling and they continue to be appalling. The legislation that leads to high levels of incarceration rates is part of the current political debate. On the one hand, the government says it wants to reduce the level of Indigenous incarceration in Western Australia; on the other hand it keeps passing legislation that pushes the numbers up and up and up. I am sick of hearing phrases such as “I make no apology for this; I make no apology for that” when the evidence is that the legislation we keep passing is contributing to that over-representation of Aboriginal people in our prison population. People say, “Well, if they don’t commit the crime, they won’t go to jail.” However, we all know that things are much more complicated than that. Alison Xamon, a former member of the upper house, now with one of the peak bodies representing mental health, spoke on the radio this morning about the incarceration of people with mental health issues. Lots of Indigenous people currently in our prison system suffer from mental health issues. When it comes to Indigenous people, suffering from a mental illness is not a defence. It is simply not a defence unless they are found to be incapable of pleading, but that is a rarity. Hundreds, if not thousands, of Aboriginal people with mental illness are incarcerated in Western Australia. Mental illness does not protect Aboriginal people against the full force of the law; it just does not. That is not universally applied here in Western Australia. There has been lots of debate about that in the last couple of days. If mental illness is something that should protect people from the full force of the law, let us apply that to the thousands of people in Western Australia who are currently incarcerated and suffering mental illness. Let us think about that. If we treated people with mental illness differently when they came before the courts, we would have to have a radical rethink of how our prison population works.

I wanted to also make some brief comments in the last two minutes, but I will not seek an extension. The Closing the Gap statistics across a whole range of things—Indigenous child mortality rates, life expectancy, health outcomes—are all live issues. As a community we need to address them. They have not been assisted at all by the threat to close 300 communities. The Premier is frowning.

Mr C.J. Barnett: Three hundred?

Mr D.J. KELLY: That figure on the closure of Indigenous communities is apparently news to the Premier.

Mr C.J. Barnett: It was only 270 in total.

Mr D.J. KELLY: The threat to close Indigenous communities has not helped and I ask the government to rethink that issue.

It is a pleasure to be contributing to this debate. I support the Noongar (Koorah, Nitja, Boordahwan) (Past, Present, Future) Recognition Bill 2015 and the Labor Party supports it. I am glad it has bipartisan support and I hope it is one more step on the road to reconciliation.

Debate adjourned, on motion by **Mrs M.H. Roberts.**