

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

*Second Reading*

Resumed from 26 November 2015.

**MR C.J. TALLENTIRE (Gosnells)** [10.48 am]: I rise to speak to the Noongar (Koorah, Nitja, Boordahwan) (Past, Present, Future) Recognition Bill 2015. It is important that we give the first people—the traditional owners of this land—the full recognition that they deserve. It is also important that we recognise the 50 000 years, at least, of custodianship that they have given to this land, the good management and that happy relationship between humans and the natural environment that is a hallmark of the Noongar people and their time on this land.

The Noongar people and the lands that they occupy are sometimes described as being the kwongan lands. It is not the case for all the lands occupied by the Noongar people, but much of the country that is described as being the sand plain country in some minds is the kwongan. It is very interesting to consider what we are talking about when we consider these lands. It is interesting as well—I will touch on this in my speech—how these lands are the subject of a proposal for World Heritage listing. These lands that are characterised by a soil type are not the most agriculturally productive. They are often challenging lands to work with, given the soil types, when it comes to producing agricultural crops. Nevertheless, in white settlement times we have been highly effective in clearing out those areas of kwongan vegetation type, something that the Noongar people did not contemplate doing. Perhaps they did not have the incentive to do so; they were not motivated by the idea of wanting to produce millions of tonnes of wheat. They were happy to have an occupational settlement pattern that was much more in harmony with that very challenging natural environment. I think it is important that we learn today how they were able to live in harmony with that natural environment so that we can better understand what remains of that natural heritage.

I am appalled when I hear some people say that the journey between Perth and Geraldton is boring and is just a continuous sequence of low shrub lands that are of little interest. People who understand that country know that there is an amazing diversity of flora and an amazingly interesting and ancient landform there. It is something that we need to understand and treasure, and we should never look down upon it and think it is not like good old England. That is what we are up against. We look back a bit to the past, which is perhaps somehow impregnated in many of us genetically, as we like those rich, rolling green hills and pastures of the old country. The reality is that we live in an area that is prone to extended dry periods, and that is becoming increasingly prevalent as we enter into the phase of dealing with the realities of climate change. We have to know how to produce food products, especially grain crops, and do broadacre agriculture. We have to maintain those things into the future but, at the same time, look to the past and learn how the Noongar people were able to successfully manage the lands that they occupied and that they continue to have such a strong and passionate connection to that continues to this day.

That is why I think we should consider the proposal put forward by Professor Hans Lambers, Professor Steve Hopper and others that we consider the idea of United Nations Educational, Scientific and Cultural Organization World Heritage listing for the kwongan country. We need its core to be not just the natural heritage, but the human heritage aspects of the whole kwongan ecosystem type. I have a paper from Professor Lambers in which he indicates that the kwongan area comprises 47 million hectares, extending from Shark Bay to Cape Arid, which corresponds perfectly with the area that is referred to in this bill and is defined in the explanatory memorandum. Indeed, the map of the area in schedule 3 of the bill shows an area extending from a bit north of Jurien Bay to Cape Arid. The area corresponds with and, of course, takes in the jarrah, marri and karri country and various other ecosystem types. There is the constant coming together of the two things that make our state so special and unique—our natural heritage and our Indigenous heritage. When we talk to people from another culture about what is unique about Australia, things like our Australian Football League teams or our sporting prowess at the Olympics are almost unheard of; they do not even exist. What does exist and is at the forefront of the minds of people who live elsewhere is the natural heritage and the Indigenous heritage of Australia and Western Australia. Those are our two unique defining features. Those are the things that really characterise us. That is why it is sometimes upsetting when I realise that many people who call Western Australia home do not have a strong affinity with either the natural heritage or the Indigenous heritage, and I think that is very sad. We need to make sure that we have that strong connection. I believe the Noongar people can help us get there, because their connection has lasted for so long—over 50 000 years—and it is enduring. We need to be receptive to the stories they tell about Noongar heritage. We need to listen to them and learn from them and then, of course, put them into a scientific context and understand the scientific explanations for things. We also need to realise the spiritual heritage in those Noongar stories.

I will use one example. I know that the *Nuytsia floribunda* species, or the Christmas tree, was spotted by the first European settlers when they approached the shores of Western Australia. When they were travelling in the December and January period, they could see from afar—it can still be done today—the *Nuytsia floribunda* and they wondered what that unique species of plant was that was visible from a number of kilometres offshore. The Noongar people were and remain very aware of the significance of *Nuytsia floribunda*. Indeed, for some groupings, the tree would mark the final resting place of recently deceased people. There was some understanding of the physiology of the species. It is a hemiparasitic species—that is, it grows on another species. That connection means that somebody's transition to the afterlife can be enhanced by the way this plant lives. It is a fascinating connection and it demonstrates how we should all know about the *Nuytsia floribunda*, a defining species for the Noongar people of the south west.

What happened when white people first came here? They looked at the sand plain country, realised that it was the least fertile of the various soil types and used *Nuytsia floribunda* as a way of defining areas where they would not want to practise agriculture. Perhaps that was a reasonable call in many ways, because it meant they would follow the river systems and look for the loamier soil types along the rivers and head inland to places such as York and Toodyay, where some of the first farming settlements in the state are. They looked for better soil types because they did not have the skills or the ability to recognise the defining feature of that area.

I understand that at the moment the population in the Avon–wheatbelt area is in the order of 30 000 people, but I stand to be corrected on that. I know that Professor Jorg Imberger had a particular interest in the area at one stage. He brought together some research that demonstrated that, during Noongar times, prior to white settlement, the population in the Avon–wheatbelt area was 30 000 people. Although we have amazing technology and all sorts of capacities, when it comes to a population that can sustain itself on a piece of land, it is an interesting perspective to think that there were 30 000 people in Noongar times and there are 30 000 people in white settlement times. It is an interesting idea. Of course, there are other issues at play, not the least of which is that the area produces many million tonnes of grain a year for export. It could be argued that at least 80 per cent of that grain is exported, so a harvest of over 10 million tonnes, and up to 12 tonnes or 13 million tonnes, can feed a significant percentage of the world's population. It could be said that we are certainly big contributors to the global grain pool and the amount of grain that is traded around the world. Our grain production is not exceptional; in fact, because of the poor soil types, we have very poor yields per hectare. It is argued that input costs are relatively low, but the actual return per hectare is such that we can make a reasonable living out of producing grain. It is not a strong yield because of those challenging soil types I mentioned earlier.

The Noongar people were able to make this part of the world their own. They had the cultural connections. They were able to look at the floristics of the area in so many fascinating ways. The medicinal properties for just about every one of the many plant species were tested, trialled and developed for use. When we consider that there are about 8 000 different plant species unique to this part of the world, the south west of the state—Western Australia having about 13 000 to 14 000 described plant species—it is truly unique in global floristic terms. We have one of the richest assemblages of plants in the world, right up there in terms of plant species diversity, right up there with any of the tropical areas that people tend to think of when they think about biodiversity. The Noongar people understood this; not only were they able to work with it, learn about it and develop their own spiritual views around it, but also have their own practical uses for that floristic heritage. It is absolutely magnificent what they were able to do. There is so much more that we need to learn about the medicinal benefits that can potentially come from many plant species. In the Premier's portfolio as Minister for Science, he is interested in this area. When I hear people like Professor Lyn Beazley and Professor Peter Klinken talk about these things and the whole potential for bio-prospecting, for us to enrich humanity and bring about all sorts of cures for various ailments through the knowledge and development of the chemical properties of different plants in the south west of Western Australia, it makes me very excited about what sort of potential we have here.

The Premier, who often talks about the virtues of our biodiversity, does not seem to realise that when we are still allowing the destruction of significant areas, we have a real problem on our hands. We are not respecting the original Aboriginal Noongar culture; we are not ensuring that it is protected. We are not protecting ourselves from such dramatic loss that we could be losing things that could be, for example, of great medicinal benefit in the future. That is something that we really have to guard against. The next time the Premier is lobbied by a landholder saying, "Well, I should be able to just destroy another 50 hectares or so of native vegetation because that is going to make the difference between my property being a going concern with grazing or cropping and it being a bankruptcy for me", we have to say to that person, "Hang on, do we really know what is there?" That is why I am so critical of this government for its attitude towards protection of native vegetation. One of the great riches of this state is our floristic heritage. It is something that the Noongar people recognised, protected and looked after for 50 000 years. We should be doing the same—not allowing more of it to be destroyed, yet we do not have any policy when it comes to native vegetation protection. We have a government that is prepared to allow people to destroy areas without any assessment at all. In this state of Western Australia a person can

destroy five hectares a year per property without any assessment at all unless they are in an environmentally sensitive area. It is sometimes rather hard for people to know whether they are in an environmentally sensitive area; they have to go through an assessment process and then they might be told that they can destroy that area.

[Member's time extended.]

**Mr C.J. TALLENTIRE:** The Noongar people understood the richness of the floristics of this state so well; in fact, they would define their territories based on plant species. I was lucky enough to take a trip to the south coast with Doc Reynolds, an Esperance Noongar man, who was able to show me the intersection between two different kin groups and how we could see that the vegetation type was very subtly connected, with the landform changing and transitioning, and from that we would get certain markers. Subtly displayed rock formations were placed to indicate, not in a confrontational manner, to another kin group that this was another territory. Occasionally there would be meetings where there would be an exchange of goods; a meeting of different groups so that they would get a broadening of the gene pool. I do not know that it would have been looked upon in those terms, but it would have perhaps been around boy-meets-girl encounters, diversity and all sorts of romance opportunities with different groups coming together. That heritage is there for us to try to understand, but it is not readily evident, and we need to really study it. We need that archaeological expertise to help us, along with the storylines that come from talking to people like Doc Reynolds and other Aboriginal people to point things out.

We had the terrible events of the Esperance fires late last year. If there can be a positive to that sort of story, one of them is that it has opened up the land and, where we find some of these archaeological areas, things are more visible. That is perhaps an opportunity for us to see where those rock formations and various archaeological sites have become apparent, whereas for many years they were not visible at all. That is something that has opened up the whole issue of site protection. Another bill that we will debate in the months to come relates to the protection of Aboriginal sites right across this state. That is a bill I am particularly concerned about.

Of course, Doc Reynolds is not alone. He has a wealth of knowledge to contribute, but we need to ensure that we have many other Noongar elders and people of great knowledge. I think of others who have given great and fascinating discussions and are academics in their own right, such as people like Noel Nannup, who, every time he gives a presentation, just awakens us to the richness of the heritage that we have around us in Western Australia. Every time I hear those stories I think what a shame it is that more Western Australians are not also enriched by it. All 59 of us in this chamber have that opportunity to be exposed to it, but it is sad that many people, with their busy lives, do not have that obvious opportunity to get out there and hear these stories. They miss out on understanding this stuff, and they are missing out on the opportunity to connect with the wealth of this state. That is something we have got to remedy; we have to find a way of getting the message out to all Western Australians that our Noongar heritage in the south west corner of Western Australia is one of our great wealths. By doing that, we will ensure that younger Noongar people, many of whom are struggling in one way or another, can realise that they are a connection to that thing that we all need to be so proud of, and that young Noongar people have a vital role to play in the future. They can be in Aboriginal ranger programs; they can be the people who help us in all kinds of ways understand the wealth of that heritage. They can help us understand it just by getting out to see the sites.

Going back to my trip with Doc Reynolds, he took me out to see rock carvings. Etched in some rock was the scene, the observation, by some Esperance Noongar people of when they first saw some ships going by, perhaps in the very early 1800s. They saw sailing ships go by and etched them into some rocks. They also etched the images of the various animals that they were perhaps using as food sources. There are pictorial representations of various marine mammals. It may have been that they used them for food or perhaps they were just trying to describe to people from an inland kin group the sorts of animals that they had in their region. We cannot be sure of the finer details of that story but it is fascinating that we have these intersections of different kin groups and people with a clear desire to tell those from another area what it is that actually characterises their area—it tells a fascinating story. We are very lucky to have this heritage but we are on the precipice. If we do not watch out we could lose it. It could all be annihilated and turned into either bland suburbia or monoculture. We could go that way because that is where we are at. We must make a clear determination to protect what remains of our Noongar culture and do all that we can to help it blossom and expand. We must make sure that our universities are deployed to gather in all the different fragments and bring in, for example, the botanical work of people such as Professor Stephen Hopper. Professor Hopper was the former head of Kew Royal Botanic Gardens and of Kings Park Botanic Gardens and Parks Authority and has dedicated much of his work to looking at this connection that Aboriginal people have with the flora of this state. We are learning more and more about that particular connection so that we can have a fuller understanding of it and realise that the propagation techniques, medicinal benefits and the indicators of soil type and general environmental health are all there and that perhaps we can approach the level of sophistication previously achieved by the original inhabitants of the south west of the state. It is a very interesting story to tell but it is something that we must appreciate and embrace.

We must learn about the connection between our natural and Indigenous heritage; those two things that make this part of the world so unique, and how they go together so beautifully. It is something that we as modern Western Australians should also understand and embrace. Of course there are immediate business opportunities around this. I am thinking of perhaps ecotourism and the interest that many people have in not only environmental ecotourism, but also cultural heritage. People are fascinated by this idea that we have a living culture that is more than 50 000 years old. They want to hear that story and know how it is that a culture has lasted so long. How long is our white culture in Western Australia likely to live for? We built on this idea that our society has to keep growing, but many people are questioning that. Where is the end to growth? The Aboriginal people that were here had a sustainable model in place that could have gone on for many more thousands of years. It had already been in existence for 50 000-plus years when we came here, and it could go on for at least another 50 000 years. We have come here with a totally different concept of human settlement and imposed it on this part of the world and it must be asked: how much longer can our approach go for? The way forward is for us to take inspiration from that 50 000 years of learning that Aboriginal people have had and then meld it with our own concepts and ideas around how human settlement can go forward. That could bring about the truly sustainable and prosperous Western Australia that we all aspire towards. There are many exciting opportunities here.

I will conclude by talking about the idea of the kwongan region being World Heritage listed. To allay the concerns of members, it would not mean the World Heritage listing of any private land. This is a discussion that we need to have in more detail but the proposal, as it presently stands, is something that the federal government has to embrace. It is only the federal government that can make that nomination to the World Heritage Committee and it would apply to only A-class reserves—it would not apply to private land. The listing would apply only to the various areas that are currently designated as national park or some form of conservation estate. This is something that we could look at in future, and absolutely central to it would be the Aboriginal heritage component. Aboriginal heritage is central to the United Nations Educational, Scientific and Cultural Organization World Heritage List concept. There are many exciting opportunities for us when it comes to recognising the Aboriginal heritage of the south west of Western Australia, but more than anything it is the right thing for us to do. After 50 000 years it is only right that we recognise the past, present and future of the Noongar people in this part of the state.

**MS S.F. McGURK (Fremantle)** [11.17 pm]: I am very pleased to be able to speak on the Noongar (Koorah, Nitja, Boordahwan) (Past, Present, Future) Recognition Bill 2015. Like every other member that contributes in this debate, I begin by acknowledging my respect for the traditional owners of the land, the Noongar boodja, on which we meet. I pay my respects to their elders, both those in the past, those who are still with us and those who will have their connection to country in the future. We hear those traditional acknowledgements very often when we attend ceremonies, and sometimes we hear them in the house. I am not the first person to make the observation, but I am sure I join with other members in this house when I say that I make that acknowledgement not out of a sense of propriety and modern custom but an acknowledgement of the tens of thousands of years that Aboriginal people have lived on this land. They have a connection to history and our white European settlement in this country is just part of that history. Their connection has existed in the past and it will exist into the future, and our white settlement in this country is just a moment in time. It is important to make that point and to say that I do not quite understand why we do not give a traditional acknowledgement when we open this Parliament either at the beginning of the week or the beginning of the session. We give an acknowledgement to our Judean Christian heritage, if you like, through the Lord's Prayer but we do not give proper recognition to the traditional owners of this land.

This bill is significant because of not only the negotiations that took place to bring about the settlement and the recognition of the connection to country that the Noongar people have had in a continuous fashion since 1829, but also its fundamental acknowledgement of the importance of land to the Aboriginal people. A good example of that is illustrated by the story of Fanny Balbuk. Perhaps other people may have heard of this story but I had not heard about it. I read about it in David Whish-Wilson's book titled *Perth*. David is a constituent of mine; I do not know him. But this very perceptive book is about modern, and a little bit about historical, Perth. It was published only a couple of years ago, in 2013. David Whish-Wilson writes about standing on the 15<sup>th</sup> floor of a Perth CBD building, looking down on Heirisson Island and recalling a story that he heard in his primary school years. The book states —

The first time I heard the story of Fanny Balbuk, she wasn't given a name. I can't even remember which teacher told me about her in primary school. He must have been a good storyteller, though, because the images were powerfully clear. Fanny Balbuk came from the Whadjuk clan of the Nyungar, the Indigenous people of south-west Western Australia, and one of the largest language groups in the country. She was born and raised on the Swan River at Matagarup, or Heirisson Island. The year of her birth was 1840, barely a decade after Europeans established the Swan River Colony and not long before

her father died on Rottneest Island. Like many of his kinsmen, he'd been imprisoned there for stealing flour.

Balbuk expressed her frustration at the development of the Georgian village on her country by stubbornly continuing to follow the tracks of her ancestors. According to Daisy Bates, the Irish Australian who observed and recorded Western Australian Indigenous culture in the first half of the twentieth century: —

Now I quote Daisy Bates —

To the end of her life [Balbuk] raged and stormed at the usurping of her beloved home ground ... a straight track led to the place where once she had gathered jilgies and vegetable food with the women, in the swamp where Perth railway station now stands. Through fences and over them, Balbuk took the straight track to the end. When a house was built in the way, she broke its fence palings with her digging stick and charged up the steps and through the rooms.

Bates goes on to describe how one of Balbuk's 'favourite annoyances was to stand at the gates of Government House, reviling all who dwelt within, in that the stone gates guarded by a sentry enclosed her grandmother's burial ground'.

There is no clearer example of that very strong connection when thinking about the route from Heirisson Island, along with what is now Adelaide Terrace and St Georges Terrace, to Government House, and then down Barrack Street towards what was described as the swamp, where the Perth railway station now sits. I do not think we can think of a better example of the determination, tenacity and passion with which Aboriginal women express their connection to country and their frustration at the interruption to their traditional way of life and heritage. As I said, I urge other members to have a look at that book. It contains many stories that I had not heard before—perhaps other members have—and it is a very perceptive take on modern-day and historical Perth.

The Premier said in his second reading speech that he was proud to bring this bill to the house and proud of the negotiations with the South West Aboriginal Land and Sea Council that have taken place over the years he has been Premier, from 2009 to 2015. The second reading speech refers to the mechanics of the bill and also a little of the history of the Noongar people from early settlement, and the recognition of early settlement, to the skills that the Aboriginal people had and their knowledge of the country and the reliance on and the use that the early settlers made of that traditional knowledge. It then refers to the increasing distortion of that relationship and, I guess, through the twentieth century, the legislative or policy approaches that served the Aboriginal people very poorly. Hopefully, this recognition and the resources that will go into trust under the management of the Noongar people through a series of trusts will in some way redress that.

I also take the opportunity to speak about some of the other issues being discussed in this public debate and in this Parliament about Aboriginal people and how we deal with the issues that currently face Aboriginal people in their various communities in this state. A good example of that was the debate we had in this house yesterday on a private member's motion about youth suicide in Aboriginal communities and how we might best approach those very complex and difficult issues. I do not think anyone doubts the sincerity of intent of people here and policymakers across the board, but the real question is: what is an effective solution to those very difficult issues?

I was interested also in a discussion I had with a soon-to-be constituent of mine, a man called Dave Palmer, who works as a senior lecturer at Murdoch University. I have met Dave a few times. He lives in Hilton, so he is currently the member for Willagee's constituent, but I am hoping that after the next state election he will be my constituent. I met Dave Palmer at the launch of a website that describes the use of Aboriginal place names throughout the state, which was put together by the University of Western Australia and Professor Len Collard. That website contains names that have been used throughout the state—I think they are particularly concentrated in the south west and some Noongar areas—and is an online resource that people can use to get an idea about the Aboriginal heritage of those names and what they might mean. Len Collard did a lot of the legwork for that resource. In any case, I was at that website's launch last year and was talking to Dave Palmer about what the state government's announcement to close a large number of remote Aboriginal communities would mean. Dave has done quite a bit of research on remote communities and the traditional activities of Aboriginal people and has documented their social and health outcomes. He sent me some information, for which I am grateful. This debate has been going on for a while, because I received the email and this piece of research from him a year ago today. I have printed the article, but I do not have the name of the journal—I think it is called *New Community*. It is basically a literature search. It concludes by stating —

... that there is solid evidence of a correlation between positive social outcomes and activities that encourage culture, language and 'on-country' contact.

The article also looks at positive cultural socialisation and improved health and community connections, which are important considerations when debating, as we did in this house yesterday, difficult issues such as suicide in general in Aboriginal communities. Dave Palmer was making the point that it is sometimes difficult for community groups to convince government that there should be funding for some of these activities, because they are not documented in the traditional way. It is a lot harder to map them by interviewing people and getting them to fill out surveys and the like. He writes about the biomedical research that confirms a clear correlation between good health outcomes and culture for Indigenous people, and cites research showing that cultural practice was associated with more frequent exercise and bush food consumption, lower body mass index, less abdominal obesity, less diabetes, and lower blood pressure; the list of improved health outcomes goes on. He also states that there was not only a connection between Aboriginal cultural attachment and health, but also an improvement in self-assessed health. Self-assessment provides empirical confirmation that there are negative impacts on wellbeing if employment, economic and social outcomes are pursued in the absence or at the expense of culture.

**The ACTING SPEAKER (Mr I.M. Britza):** Excuse me, member for Butler, you need to recognise the Chair, especially if you are going to enter the chamber between the speaker and the Chair. I am just letting you know.

**Mr J.R. Quigley:** My apologies, Mr Acting Speaker.

**The ACTING SPEAKER:** I accept that.

**Ms S.F. McGURK:** The point is being made that if employment and economic and social outcomes are going to be examined, empirical evidence suggests that so much more can be achieved if those outcomes are culturally driven; and if health and wellbeing outcomes are likely to be achieved, there needs to be a connection to traditional activities. He talks about various programs, for instance, the Big hART program in central Australia. I know it is not Noongar land, but I think the points are still there. Some of its activities in art, design, filmmaking, language development and even digital work have had enormous positive consequences in the communities involved, including crime prevention, literacy development, intergenerational exchange and improvements in school attendance, employment, involvement in the creative arts industries, and physical health. He also discusses the importance of storytelling and performance.

[Member's time extended.]

**Ms S.F. McGURK:** He discusses the importance of these sorts of activities in overcoming people's tendency to recoil from social interaction with each other when things get tough. There are opportunities for people to connect with each other through the traditional activities of storytelling and performance. We have known for some time, originally from British research, of the importance of what is called the control factor in people's lives, as a critical variable in epidemiological patterns of disease. The more control people have in their lives and communities, the more likely they are to be able to contend with outside demands and stresses. I think people would probably be well aware of that research. Those same factors, such as lack of control over key circumstances in their lives, have been identified as major causal factors in Indigenous ill health. As Dave Palmer pointed out, the research literature is laden with evidence that the loss of spiritual practice, decisions about parenting, and sustained economy and collective authority over the simplest of decisions are antecedents to massive substance abuse, violence and suicide.

The government would be well advised to consider some of that research in developing the regional communities project that was discussed in yesterday's debates. It is essential that Aboriginal people's views be taken into account in considering what is effective. The member for Victoria Park pointed to the uncertainty that has been introduced for Aboriginal people in this state by the state government's announcements that it would close a large number of remote communities, although it did not say which ones. Now the government is backtracking from that idea and trying to make up a bit of ground, but it has created a huge amount of uncertainty. I make the point that although we are talking about the Noongar bill and my reference there was to remote communities, the point is still important; that is, a fundamental respect and acknowledgement of self-determination and what Aboriginal people and their representative bodies believe should occur should be at the heart of any decision-making or policy forming for Aboriginal people in this state.

Another example of where that has been handled very poorly, and indeed where there has been a complete disregard of Aboriginal aspirations, is in a geographical area within the Noongar nation, directly referred to in the bill before us. I refer to the cultural approvals that were given for Roe 8, and a decision to build a road across Beeliar wetlands. Many questions have been raised about the approval by the Aboriginal Cultural Material Committee, which, in February 2013, refused to allow the disturbance of the Beeliar wetlands as part of the Roe 8 extension. That site is considered sacred by Indigenous people because of the legend of the giant serpent called the Wagyl. I quote from an ABC news report in January this year —

“The committee ... resolved to recommend to the Minister for Indigenous Affairs that consent not be granted based on the ethnographic significance of the sites, the subject of the notice and the objections to the purpose raised by the majority of Aboriginal [people] consulted,” the minutes of the meeting said.

That refers to the minutes of the meeting of the Aboriginal Cultural Material Committee held in February 2013. The news report continues —

But in June, it reversed the decision and approved the Roe 8 project based on new archaeological assessments.

A challenge to that assessment has now been lodged with the Supreme Court, and we are yet to see whether that objection will go the way of the environmental approvals. We know that on close examination of the environmental approvals by the Supreme Court, the Environmental Protection Authority’s advice to the state government on the environmental approvals was found wanting and overturned. They are now being appealed and resubmitted by the state government, creating a huge delay for that project. I must say that, from my point of view and that of the community that I represent, it is a welcome delay. Many questions have been raised about the nature of the assessment of the Aboriginal cultural considerations in the Beeliiar wetlands in relation to the Roe 8. I know that the South West Aboriginal Land and Sea Council was concerned about its communication with the ACMC, and the lack of information from the state government about which traditional owners of the area around the Beeliiar wetlands it had consulted when it decided to give approval. There were also concerns about the nature of the archaeological testing around that site. Last year, Justice John Chaney quashed a decision to deregister a Port Hedland Aboriginal sacred site in an action initiated by Kerry and Diana Robinson.

The government can say one thing about its commitment to Aboriginal people, but its deeds speak louder than its words. This government will be remembered for its attitude to the approval of deregistering Aboriginal sites and for its approval to go ahead with a road project over wetlands that are considered significant by the Aboriginal people. Its determination to get approval one way or another is something that the government will be remembered for. We are yet to have a full debate about the amendments to the Aboriginal Heritage Act. I think that will be a very robust discussion. Aboriginal people have very real concerns about that. Everyone wants to ensure that in our recognition of Aboriginal sites and areas of connection for Aboriginal people, we put in place the most robust systems possible. The proposed amendments to the Aboriginal Heritage Act give us a lot of reason for concern.

I want to briefly mention two other issues. One is the burial site at Rottnest Island. I heard the member for Victoria Park speak on this issue. When I was first elected I was very concerned to see that no resources had been put towards the proper recognition of that burial site at Rottnest. It was given very poor signage and cordoning off. That has since improved and I am glad to see that. At least proper perimeters are now put around that area and there is some signage—more than a tin sign and some wire fencing, which was what was there previously. Improved signage has now been put around that burial site. There was a variance of views amongst different traditional owners who came to see me about what should occur on that burial site. One of the frustrations is that it has taken so long for anything to happen on that site. Different groups were consulted but have moved on, and people feel frustrated that their wishes, or their elders’ wishes, were not taken into account in how that site is dealt with. In any case, there is now some improved signage.

The next issue that will be difficult is the treatment of the Quadrangle—what is now Rottnest Lodge. I think it is a good thing. Most people would say that that should not be used as holiday accommodation; it is inappropriate. The people managing it are from the Karma Group. In its new lease arrangements with the state government, the Quad will be handed back to the Rottnest Island Authority. Most people would say that that is a good thing. But what happens to the Quad? How do we give proper recognition to what actually occurred to Aboriginal people at Rottnest? That will take resources. Aboriginal people were treated terribly in that environment over decades. How do we give proper recognition of the history that occurred there, in a respectful way? That is how this government, and future governments in this state, will be culturally judged. We need to acknowledge that history, some of which is terrible. The reasons that Aboriginal people were taken and incarcerated, and died, at Rottnest is a terrible history and it needs to be properly acknowledged. Resources need to be allocated to deal with the Quad in a respectful way. They are the sorts of deeds by which this government will be judged.

I acknowledge the importance of this bill in acknowledging the traditional owners of this land. As the member for Fremantle, I look forward to being part of any negotiations and discussions with the Aboriginal people in my electorate to make sure that we give proper recognition in practice to their past heritage, but also in dealing head-on with some of the social issues that are confronting modern Western Australians, including Aboriginal people.

**DR A.D. BUTI (Armadale)** [11.47 am]: I also rise to contribute to the debate on the Noongar (Koorah, Nitja, Boordahwan) (Past, Present, Future) Recognition Bill 2015. I acknowledge that it is a very significant day in Parliament that we should be negotiating a bill of this significance. Members may be surprised that I am going to be rather positive, but I have one negative to get out of the way first: this day, the consideration of this bill is in

stark contrast with the consideration of the Aboriginal Heritage Amendment Bill 2014. The government introduced this bill to the house, which is a very significant bill, but I do not understand why it still continues with another bill that is a retrograde step in the reconciliation process. I hope that the government will reconsider the Aboriginal Heritage Amendment Bill and come to the conclusion that to give even greater significance to the bill we are debating today, it needs to change the heritage amendment bill because it really freezes out Aboriginal voices.

The bill before the house today is very significant. Often, the judiciary is much maligned in Australia, by either the public or politicians, because it is easy to criticise the judiciary. Generally, the judiciary does not have the capacity to fight back in a public discourse. This bill has a long genesis. It commenced as a result of a Federal Court decision in the single native title Noongar claim. One of the most significant bills to go through federal Parliament was the Native Title Act, which came out of the High Court's Mabo decision. We need to recognise that sometimes Parliaments, or politicians, need to be pushed ahead by the judiciary. That claim was appealed and part of it was overturned, which has led to the bill before this house today. The Noongar (Koorah, Nitja, Boordahwan) (Past, Present, Future) Recognition Bill 2015 is very significant. As the member for Fremantle stated, I would like to acknowledge the traditional owners of this place and their elders, and their traditions and customs. This bill recognises the Noongar people as the traditional owners of these lands that form part of the settlement of the native title claims of the Noongar people to the south west of the state.

The significance of this bill is even greater if one looks at the history of Aboriginal affairs in Western Australia. European settlement commenced in Western Australia on 1 June 1829 when Captain Stirling arrived at Carnac Island, just off Fremantle. When Captain Stirling made his proclamation, he talked about the need to ensure that Aboriginal people were treated properly. Aboriginal people had been in this state at least 30 000 years prior to European settlement. When Captain Stirling arrived, he changed the future of Aboriginal people in Western Australia. The proclamation of Captain Stirling was that Aboriginal people should be respected, cared for and looked after. However, there was no doubt that the laws of England were to take priority. That is because the colonial powers were working under the myth of terra nullius—that is, Australia was uninhabited prior to British settlement, and therefore the incoming colonial powers had sovereignty and their laws took primacy, because there was no recognised legal system in Western Australia and of course Australia. Legislation that had been passed by the Parliament of the United Kingdom prior to 1 June 1829 came into force in Western Australia on 1 June 1829. However, English statutes that were passed after 1 June 1829 had no effect in Western Australia unless those acts applied expressly to Western Australia, or the Western Australian Parliament expressly adopted or applied a United Kingdom statute by referring to it.

After 1829, Captain Stirling and Governor Hutt took a great interest in Aboriginal affairs and Aboriginal welfare. The three principles that guided the native policy that came out of the British Colonial Office in Downing Street at the time was that Aborigines were to be civilised and converted to Christianity; Aborigines were to have the full status and legal rights of British subjects; and the physical wellbeing of Aborigines was to be protected. However, in reality, those principles were ignored or not practised very well, or were basically not performed to the degree that we would hope they would be to ensure that Indigenous people were properly part of the legal and political system of Western Australia.

Towards the end of the 1800s and into the nineteenth century, a concern developed in the colonial population in Western Australia about the so-called explosion of what was called at that time the half-caste population, particularly in the south west of Western Australia. The view was that something had to be done to try to stop this from occurring. The notion of trying to control Aboriginal populations and maintain the predominance of the British–European culture over Aboriginal culture is based, no doubt, on racial theories and ideologies that were prevalent in the eighteenth and nineteenth century in Europe. There was a view that Indigenous people were at the lower end of the hierarchical scale or system and therefore needed to be converted, civilised and controlled by the British–European political and cultural system. There was also a move to try to educate Indigenous people. In 1874, with the passage of the Industrial Schools Act, a system of education was set up for neglected children and Indigenous children in Western Australia. However, that did not have as much effect as subsequent legislation that was enacted in the 1900s, after the turn of the century.

It is interesting that the Colonial Office did not trust the Western Australian Parliament with Aboriginal affairs and set up the Forrest Commission of 1884, which was chaired, of course, by John Forrest, who became the first Premier of Western Australia. The report of the Forrest Commission painted a pessimistic view about the survival of the Aboriginal race and raised the need to protect Aboriginal people. However, the report also states that Aborigines can be of great benefit to the settlers —

The natives of Western Australia have, to a large extent, the same habits and customs, and are governed by laws that do not differ very much; they are also very similar in disposition, and of the same impulsive nature. Their superstitions, too, are very numerous, and have a very strong hold upon them,

appearing often nearly irresistible in their power. Their usefulness to the pioneer settler can scarcely be over-estimated.

Therefore, even though John Forrest said in his report that we need to protect and convert Indigenous people, he said also that Indigenous people are not that different from non-Indigenous people. That is an interesting contradiction. He recommended that native protectors and honorary protectors be appointed to assist Aboriginal people. He also recommended the establishment of the Aborigines Protection Board. Those recommendations for native protectors and an Aborigines Protection Board were given legislative effect by the Aborigines Protection Act 1886. The preamble to the Aborigines Protection Act 1888 indicates that the act is to provide for the better protection and management of Aboriginal native affairs, and to amend the law relating to contracts with and other matters affecting Aboriginal natives. The act deems persons to be Aboriginal if they are an Aboriginal native of Australia; are a half-caste or a child of a half-caste; or are habitually associating and living with Aborigines. In the event of a lack of sufficient evidence to make a determination, that was to be determined by a justice in judicial proceedings.

The enactment of the Aborigines Act 1889 increased the powers of the Aborigines Protection Board. In 1890, with the enactment of the Constitution Act 1889, the imperial government transferred to the colonial Parliament of Western Australia jurisdiction of Aboriginal affairs. Section 70 of the Constitution Act 1889 provided that a certain amount of moneys had to be preserved to be spent on the welfare of Aboriginal people. That section was later amended. A case was brought to the courts in the 1990s as to whether that section had been properly amended, and, if not, whether it still applied, but that case was not successful. It is interesting that the imperial government did not trust the colonial inhabitants of Western Australia to ensure the welfare of Aboriginal people. For at least three to four decades after Captain Stirling arrived in Western Australia, the Aborigines Protection Act had legislative power. That situation prevailed until 1890, when the Constitution Act 1889 was passed.

[Member's time extended.]

**Dr A.D. BUTI:** Then we move into the 1900s. There was this increased concern about the exploding population of so-called half-castes. The government then had a royal commission and Commissioner Roth, who was a senior public servant in Queensland, was contracted to run that royal commission known as the Roth royal commission. The report was tabled in Parliament in January 1905. The importance of that royal commission should not be underestimated, because its report formed the basis of the Aborigines Act 1905, which was to be the blueprint of legislative control of Aboriginal people in Western Australia. Commissioner Roth, who came from Queensland, made recommendations that were not unlike what was already in place in an 1897 act in place in Queensland, known as Aborigines Protection and Restriction of the Sale of Opium Act, which gave the state immense control over Aboriginal affairs. Roth recommended many of the legislative provisions that were enacted in Queensland. As a result of his report there was debate in Parliament and, as I said, he recommended many of the things in the 1897 Queensland act. The 1905 Aborigines Act was a reflection of the desire by government and the ruling classes to segregate and control Aboriginal people, and it passed through the Legislative Council quickly. Some of the comments made in the Legislative Assembly debate were interesting, which is why we should be careful about what we say in this Parliament because in 100 years' time people might look back to see what we said and wonder about our views. The member for Mount Magnet said that he thought that the so-called half-castes had a chance of reaching a higher level if separated from the full-blooded Aborigine. He stated —

Regarding the half-castes, I think it very undesirable that they should be put on the same reserves with aborigines ... Half-castes, if bred with white people, become in some respects almost as expert as the whites; but once they marry with aborigines, they become even more depraved than the aborigines themselves. If we have reserves, we should try to put the half-castes on reserves by themselves; because I firmly believe that they are a grade higher than the aborigines.

This policy of separating the so-called full-blood Aborigine from the half-caste Aborigine and preventing the breeding of these groups, and that the so-called half-castes should breed with the non-Indigenous people to breed out the Aboriginal strain, was dominant in Aboriginal policy and became strongest in the 1920s and 1930s, which corresponded with certain eugenics policies that were gaining force in Europe at the time. The Aborigines Act 1905 created a ministerial post and a department charged with a duty of promoting Aboriginal welfare, including education, health and general provisions. The legislation also had a definition of an Aborigine. It also made the Chief Protector of Aborigines the legal guardian of all Aboriginal and half-caste children aged 16 or under. That was an incredible power that the state had. This morning the Community Development and Justice Standing Committee tabled a report about a tragic incident in Bunbury involving someone in the care of the state. Today, as we know, in order for the child to become a ward of the state there is a judicial process to be followed. Back in the early 1900s for all the non-Indigenous population, there was also a judicial process under the Child Welfare Act, but if a person was Indigenous, the state became their legal guardian, regardless of the environment they were growing up in. The fact that a person was Indigenous meant that the state became their

guardian. That is why at the beginning of my contribution I mentioned the significance of the bill before us. We do not necessarily have a very proud history of the way in which the state and the Parliament have interacted with Indigenous people since the time Captain Stirling arrived in Western Australia.

The 1905 Aborigines Act provided the legislative framework for basically the total control of Aboriginal people—where they could be, who they could marry et cetera—and provided the state with this power to have control over Indigenous children. As we know, that led to the systematic removal of Indigenous children from their families and culture, with those people known as stolen generations. Some of the consequences of that so-called experiment are still being played out today with the disadvantage experienced by Indigenous people.

The most prominent figure in Aboriginal affairs for most of the first half of the twentieth century was the Chief Protector of Aborigines of Western Australia, A.O. Neville. He then became the Commissioner of Native Affairs in Western Australia. He was appointed in 1915 and stayed in that position until around 1940. He was a very dominant figure in Aboriginal affairs in Western Australia and he had the legislative framework of the 1905 act, which was amended to give him greater powers in 1911. Then the Native Administration Act 1936 also increased the state's power over Aboriginal people. Neville had very firm views about his responsibility to put into practice various provisions of the 1905 act and subsequent amendments. His views were very clearly stated on a number of occasions. A newspaper article published in 1937 stated —

Mr Neville holds the view that within one hundred years the pure black will be extinct. But the half-caste problem was increasing every year. Therefore their idea was to keep the pure blacks segregated and absorb the half-castes into the white population.

Sixty years ago, he said, there were over 60,000 full-blooded natives in Western Australia. Today there are only 20,000. In time there would be none. Perhaps it would take one hundred years, perhaps longer, but the race was dying. The pure blooded Aboriginal was not a quick breeder. On the other hand the half-caste was. In Western Australia there were half-caste families of twenty and upwards. That showed the magnitude of the problem.

In order to secure this complete segregation of the children of pure blacks, and preventing them ever getting a taste of camp life, the children were left with their mothers until they were but two years old. After that they were taken from their mother and reared in accordance with white ideas.

There was a conference in Canberra in 1936 on Aboriginal affairs. Remember, back then the commonwealth basically had no constitutional power over Indigenous affairs, except in the Northern Territory under the territorial power. Besides that, Indigenous affairs were purely a state function until the 1967 referendum, which gave the commonwealth greater power because it allowed the commonwealth Parliament to enact laws for Indigenous people. Back in the 1930s the states really ran Indigenous policy. At this conference, Neville expressed some interesting views, which are reflected in what was reported in that newspaper article. There is much I could read out about Neville, but I will not read out too much. However, I will quote his view about the lighter skin colour of the child. The best way to sum up his position and the drive to the separation policy is by reading the following quote. It states —

Quadroons or nearer whites not already properly cared for under white conditions of course must go as soon as possible to institutions for white children and learn to forget their antecedents, and their parents and coloured relatives should be strictly excluded from any contact whatever with them. There is a special home for such youngsters in Western Australia, and this might well be emulated elsewhere.

Many working half-caste girls having infants fathered by white men came to me to discuss the disposal of their children. When I explained to them that separation was inevitable for their children's sake, most of them saw the matter as I did, and on giving them up made and kept a promise not to molest them in any way. I found that these children in their new surroundings had no difficulty in comporting themselves as white children, and any picture of their mothers which they might have retained at first rapidly faded from their minds. They attended the State schools and many of them were well above the average in their work. In later life there was a possibility of a meeting between the children and their mothers, but though this was unlikely, by that time both would realise the position sufficiently well to avoid any adverse consequences from it. Some of these near white children were adopted by childless white couples, and that too is all to the good. Quite a few mothers went to service in the country having their children with them, and this plan worked well enough in the early years, difficulties arising as the children grew older, eventually leading to separation.

Neville may say there was no problem but I can assure members, as I worked at the Aboriginal Legal Service of Western Australia for a number of years in the 1990s during the stolen generation national inquiry, that the negative consequences of that policy were being played out and are still being played out.

This is not the place to talk about child welfare today. I definitely do not say that if a child has been neglected, they should not be removed from harm; I think they should be. But that is the point. If they are being neglected and they are in harm's way, but not because they belong to a certain group of people, they should be removed from harm. Under the stolen generation policy, that is the issue; that is, just because they were Aboriginal, they could be separated without going through the judicial process. That is what we can never allow to happen again. Of course if children are being neglected and they are in harm's way, they need to be separated for whatever period of time. That is a different issue. Having said that, I am not so sure now but some children who should have been removed were not removed because of the concern about that failed experiment during the stolen generation period.

After the Second World War and the establishment of the United Nations, the whole issue of the systemic removal of Aboriginal people had to be questioned. We were moving to a system of trying to incorporate Aboriginal child welfare into the mainstream welfare system. Aboriginal children were still subject to the Native Welfare Act 1954. It was not until the Native Welfare Act 1963 that we moved the guardianship provision. After that, Aboriginal children had to be removed under a judicial process. That is the system that is in place today. As I said, this bill is very significant. I hope it can be a springboard to improve the relationship between Indigenous people and non-Indigenous people but, more importantly, I hope it can be used as an act of reconciliation to improve the economic and social welfare position of Indigenous people in Western Australia.

I do not have much time left. As I said, this bill came out of the decision of a single native title claim. I have stated before that I think the Carpenter government was wrong; it should not have appealed the Yorta Yorta decision in Victoria. The Yorta Yorta decision was a disgraceful decision. The court would not accept the evidence of the elders. It preferred to accept the evidence of a diary entry from one of the pastoralists. When this court decision came out in 2006–07, I think—I cannot remember the date—that was an opportunity to move forward and use it as an impetus for reconciliation.

I dearly hope that this bill can be used as an instrument for reconciliation. It has come about after an incredibly long process of consultation and negotiation. It is very complex. It is not the panacea of everything and we should not see it as the panacea of everything but it is a significant piece of legislation and hopefully it will pass after due consideration. I ask the government to reconsider the Aboriginal Heritage Amendment Act. I fully support this piece of legislation, I think all members on this side of the house will support it and I am sure government members will too as the government introduced it. The Aboriginal Heritage Amendment Act takes away from the significance of this act.

It has been a privilege to speak on this bill today. It will be a great day when this bill is passed. My friend the member for Kimberley previously introduced the Constitution Amendment (Recognition of Aboriginal People) Bill 2014 into this place, and that was a great day. She should be proud of that and we should be proud of that. We should also be proud when this bill is eventually passed. It is not the end of the story. There are many things that we need to do to try to improve the situation of the first peoples of Western Australia.

**MR J.R. QUIGLEY (Butler)** [12.17 pm]: It is indeed a pleasure to rise to speak in support of the Noongar (Koorah, Nitja, Boordahwan) (Past, Present, Future) Recognition Bill 2015. This bill certainly is at the centre of some of the reasons I entered public life and entered this Parliament. I have mentioned it before. In the bill dealing with constitutional amendment and the recognition of Indigenous peoples of Western Australia in the preface of the Western Australian Constitution, the member for Kimberley gave a very detailed descriptor of the history of her peoples. I have heard the member for Victoria Park, another Indigenous member, speak on the same subject. I would be a hypocrite and shallow to stand here given my background and speak of Indigenous history in Western Australia and its culture in detail. I was brought up in the 1950s and 60s in Nedlands and went to Nedlands Primary School. I had no interaction at all with Indigenous people. I would say that is true of a lot of the members of this chamber. Their concerns during the 50s and 60s and the dreadful privations that they were subjected to did not enter into my world and were not part of my family's discussions at all. I never heard any racism expressed in the family at any stage in my life but the sort of concerns that I now hold front and central in my life certainly were not subjects that came from my upbringing or childhood.

**Mr C.J. Barnett:** My recollection of Nedlands was there was some interaction with Aboriginal kids who were billeted out. They came to the school. There was a bit of an exchange at one stage.

**Mr J.R. QUIGLEY:** I left Neddies primary school in 1961 and there had not been at that stage.

**Mr C.J. Barnett:** I can remember a group of Aboriginal kids at the school, some of whom were billeted. It was not in our family's case but some kids were.

**Mr J.R. QUIGLEY:** I think the Premier would probably share the same sort of experience as me. There probably was no racism in his family but there was no discussion of Indigenous concerns back in the 50s or 60s in our family. I do not know about the Premier's own family.

**Mr C.J. Barnett:** There was in my family because my father grew up in Moora and went to school with Aboriginal people so he used to talk about the Aboriginal people.

**Mr J.R. QUIGLEY:** My father grew up in the Perth Mint and in the CBD. It did not enter the discussion. Since then, however, the first real close-up introduction to the disaster of the policies concerning Indigenous people that really impacted upon me occurred during the two and a half years I worked as a counsellor on the royal commission examining the deaths of some 34 Indigenous persons in custody in Western Australia. Of course, that royal commission was in some part precipitated by the death of a young man in a police cell at Roebourne, which resulted in allegations of police brutality causing deaths in custody. I represented police and prison officers for two and a half years during that royal commission. That royal commission demonstrated to me and others that the Indigenous were dying in custody not primarily or in any way because of brutality, but because of both physical health issues and mental health issues brought upon by the circumstances of their peoples. I will take the Michael brothers as an example. I do not know whether I should mention their names, but Mr Michael died in prison in Serpentine. No-one knew that he had had a heart attack. He was thrashing around and warders restrained him, but he had a heart attack and died. As it turned out, he had had three heart attacks and no-one knew that he had had previous heart attacks because they were silent heart attacks. Shortly after, tragically, his brother died in what was then Canning Vale prison. Many other deaths that we looked at were caused by the health issues that had come upon those people because of the circumstances of their upbringing and the circumstances of privation.

The next thing that caused me to intersect with their tragic circumstances was the Mabo decision and the then government's reaction to the Mabo decision. This was a precipitating factor to me joining the Labor Party and coming to Parliament, as I have said before. After the High Court of Australia declared in Mabo that native title existed in Western Australia, the government of the day, led by Mr Court, tried, firstly, to pass legislation in Western Australia to circumvent that decision and then to take that on appeal to the High Court, and it cost the taxpayers a lot of money. To justify that dreadful course of action, maps produced by the government were then published in *The West Australian* showing the metropolitan area all blacked out and claiming that it would all be subject to a native title claim and that people would lose their homes, which played to the politics of fear. People thought that they would lose their suburban homes because of this decision. It was on the front page of *The West Australian* and it was run off and on for a couple of weeks because that was the line being fed by the government of the day. This was 20 years ago, but it seemed to me to be absolutely dreadful that, firstly, taxpayers would have to pay to go to the High Court to try to throw aside the Mabo decision and, secondly, such misinformation could be put about, because any lawyer who had read the decision realised that once crown land had been alienated into freehold land, native title had expired. And so it was that I decided to down tools and come to Parliament. At the election when I came to Parliament, that government was defeated and a new government was formed by then Premier Gallop and that issue largely fell away.

Since then I have become a little more closely familiar with the circumstances of the Noongar people of Western Australia, the privations they suffer and their awful social circumstances. What did come out of the black deaths royal commission was the need for these peoples, our first citizens, to identify with their land and that they were a dispossessed people. Land rights were the first step in that process. This bill, of course, will give recognition to the Noongar people as the traditional owners of Noongar lands and it precedes the settlement of the large claim by the Noongar nation over their lands within our state.

In the second reading speech, the Premier outlined that the bill will —

... provide the Noongar people with \$1.3 billion in land and other assets and benefits in exchange for the surrender of native title claims over 200 000 square kilometres of land in the south west.

Under the overall agreement, an independent Noongar Boodja Trust will be established into which assets will be transferred over 12 years. This will include funding of \$50 million per annum for 12 years. Up to 320 000 hectares of crown land will also be transferred to the trust.

What will follow this recognition bill is the final settlement of their claim, which will give them some substantial assets in this state that will be held by the Noongar Boodja Trust. It is also very important to the Noongar people when identifying with their lands that we, as a community, start using more Noongar names on country. Some time ago, Noongar names were used for places such as Mandurah, Narrogin, Pinjarra, Gelorup and Manjimup. Although I recognise that the new piazza in Perth has been called Yagan Square, I think it was a missed opportunity not to give Elizabeth Quay prominence with a Noongar name. The Swan River was obviously named after the swans that Captain Stirling observed there. However, I think it was a missed opportunity not to give our new asset of Elizabeth Quay a Noongar name. I think it is important not only for the Noongar people as they move about their lands to know about it as a concept, but also for all Western Australians to identify it as Noongar land.

I would like to recommend to members the radio station that I listen to in my car, perhaps because I like a bit of country rockabilly—that is, 100.9fm, or Noongar radio. I give a big shout out to Rob and Michelle, the presenters on Noongar radio. The radio station is obviously run by Noongar people and has not only music that I can relate to—country rock—but also many other good programs, such as the Noongar word of the day to introduce people to a bit of Noongar culture and what the words around Perth mean. It also has some wonderful programs that expose me to some of the challenges of the Noongar people and to some of their culture. Obviously, I like the *Nights of Rock* program between 8.00 and 10.00 pm, but it also has great programs such as *Health Matters*, *Law Matters* and *Strong Minds* with talkback, so that people can get a bit of a window into the challenges of the Noongar people. I am not saying that Quigley is getting a great in-depth understanding, but he is getting an introduction to all of this. For example, I heard a very eye-opening program this morning on Indigenous health matters, to do with rheumatoid heart disease. I knew little of rheumatoid heart disease before listening to Noongar radio this morning, and I did not appreciate that it is a bacterium that induces rheumatoid heart disease. The bacterium is transferred by saliva, so a person can get this most debilitating heart disease by coming into contact with someone else's saliva. The paediatrician on Noongar radio this morning was saying it is endemic in Indigenous communities because where there are 10 or 15 people living in a two-bedroom house, passing cups and clothes between each other, in accommodation where there are a lot of people co-sleeping, then rheumatoid heart disease becomes endemic, because the bacterium is getting passed around. We have the good doctor in the house, and he nods in some assent because he knows about rheumatoid heart disease; I only found out about it on Noongar radio this morning. There is another big heart challenge. The paediatrician was talking about the number of Indigenous people who have had two or three heart operations because when the bacterium of rheumatoid heart disease gets into the body it also attacks the heart valve and causes heart failure. By the age of 15, young Indigenous people might have had one or two open heart surgeries for valve replacement because this bacterium is in their body. I did not know that before I listened to Noongar radio this morning.

Noongar radio is also promoting lots of programs on diabetes, because diabetes is of course an affliction that is hitting the Indigenous community very hard. This morning they were promoting a sugar film, out at the moment, on the effects of sugar and how many teaspoons of sugar there is in an iced coffee. They were asking their listeners to tell them how many teaspoons of sugar are in a carton of iced coffee. I do not know whether anyone in the chamber here knows the answer to that. I learnt on Noongar radio this morning that there are 10 teaspoons of sugar in a carton of iced coffee. I think this is just an absolutely fabulous radio station, because that is another challenge that the Noongar people have got.

[Member's time extended.]

**Mr J.R. QUIGLEY:** I did not know that, but there they are. People say that Indigenous people have got to help themselves. In terms of promoting the culture but more in educating the Noongar people in health and law matters, community discussion and social matters, Noongar radio 100.9 FM and Rob and Michelle are right at the forefront of that and I congratulate them.

The member for Armadale, who so carefully researched his legislative history before presenting his speech today on the Noongar (Koorah, Nitja, Boordahwan) (Past, Present, Future) Recognition Bill 2015, went back and quoted from some speeches made in this chamber 100 years ago. He was saying that we better be careful what we say here because in 100 years' time, someone will look at what we are saying here today and judge us perhaps a little harshly. We all celebrate the passage of this bill. Let us look at what the Indigenous people, the Noongar people, might see in this bill. Certainly, the bill in its long title states —

**An Act for the recognition of the Noongar people as the traditional owners of lands in the south-west of the State.**

Then the preamble sets out how long the Noongar people have been here, recognition of law and custom, that they continue to have a living cultural, spiritual, familial and social relationship with Noongar boodja and some of the history of the Noongar people in our state. Then its short title is the title of the bill. It will come into effect on royal assent. The Noongar lands are those lands described in schedule 2. I will not go into that, but the bill has a lovely map that shows that the lands are just north of Jurien Bay, right out to Merredin, down to Hopetoun and all that country then back to the coast. The purpose of the legislation is to recognise Noongar people as the traditional owners of the land and clause 5, "Recognition of the Noongar people", states —

- (1) Parliament acknowledges and honours the Noongar people as the traditional owners of the Noongar lands.
- (2) Parliament recognises —
  - (a) the living cultural, spiritual, familial and social relationship that the Noongar people have with the Noongar lands; and

- (b) the significant and unique contribution that the Noongar people have made, are making, and will continue to make, to the heritage, cultural identity, community and economy of the State.

We totally embrace all of those words, sentiments and aspirations. I will just ask members to think for a moment of the Mabo case and the concept of terra nullius: wherever the British flag was planted, it was assumed that no-one there owned anything. As soon as the flag went down, the crown owned the lot.

**Mr I.C. Blayney:** Do you think that happened in New Zealand?

**Mr J.R. QUIGLEY:** Sorry?

**Mr I.C. Blayney:** In New Zealand?

**Mr J.R. QUIGLEY:** The British had a treaty there, but they owned the lot here under terra nullius. The situation here of course is that we recognise the Noongar people's traditional ownership, but if there is a sting in it all, it comes in the next clause. What is the effect of this ownership beyond the sentiment? Nothing, not in terms of the conferring of any right with the ownership. I will read out clause 6 in totality. It states —

#### **6. Effect of this Act**

This Act does not —

- (a) create any right, title or interest, whether in law or equity; or
- (b) give rise to or affect any civil claim, action or proceeding; or
- (c) give rise to or affect any right of review of an administrative decision; or
- (d) affect the interpretation of any law of, or that applies in, the State.

So, in effect it is saying: "We recognise you, but in recognising you we do not confer any right on you, not even in respect of the interpretation of any law of this state." I just wonder what will happen in 100 years when people come back and look at the act and say, "They were pretty circumspect; they said we recognise you as traditional owners, but that recognition does not extend to the point where even the interpretation of a law can take into account your position as a traditional owner."

I note that the recognition statement concludes —

Our living culture, which is long and continuing in this part of the world, begins with Noongar people. This is the opportunity for all Western Australians to experience the ancient tradition of respect, relationships and reciprocity with Noongar people. We have survived.

The pronoun "we" is unclear. Is it "we" as in all Western Australians have survived or "we" the Noongar people have survived? That is unclear in the statement of recognition. If it is "we have survived"—that is, all Western Australians have survived—we have; and some have prospered very, very well. We have done more than survive, we have prospered enormously, and a lot of that prosperity has been at the disadvantage of the Noongar people who were dispossessed of their lands. We prospered through agriculture by dispossessing them of their lands. We prospered by mining their lands and using their cheap labour. We prospered in many ways. If the pronoun "we", however, refers to only the Noongar people and means "we have survived", another word should be inserted in brackets, and that is "(barely)", because they have barely survived. They have hung on in the most dreadful circumstances of deprivation, disease, discrimination and dispossession. They have survived and their culture has survived, but in the 45 000 years that they have inhabited these lands, this last 170 years has been the most dreadful time for them. It is a good thing that this Parliament, this community, has formally recognised them, and recognised them more than as just entertainers and sportsmen. I remember Indigenous people being celebrated when they made the West Australian Football League, and they were celebrated more when a couple of them got to the Victorian Football League. I am thinking of Polly Farmer and that great half-forward flanker for Carlton Syd Jackson. We all celebrated those people, but only because they entertained us. Now we celebrate the whole of their nation because they are an integral part of us and this state's history.

In conclusion, I would like to say what I said at the start—I note that the Minister for Planning has entered the chamber. I would like to see more subdivisions given Noongar names. My area of Butler has district names like Alkimos, which is the name of a Russian ship that ran aground. So what? As I said, Narrogin, Mandurah and Pinjarra all derive from Noongar words, and I would like, throughout the metropolitan area, especially in the area of Butler, more Noongar names, so that on a daily basis their names become more a part of the fabric of our society. I know some of them are tongue twisters, but they are no more tongue twisting than some southern European names or words like Alkimos and suchlike. I think it would be wonderful if they could see their names appearing everywhere around the city. As I say, I think there was a bit of a missed opportunity with Elizabeth Quay. We acknowledge Yagan Square, but because Elizabeth Quay is a centrepiece of our city, it

could have been a wonderful opportunity to mark it with a Noongar name. I know that would have given the Noongar nation pride.

Before I sit down, I want to once again give a big promotion—note that I have never advertised it and it has never mentioned me on air—Noongar Radio and the exposure it gives me to Noongar culture, law matters and health matters. I note that currently it is playing *Cut Me Loose* so that is probably a bit of a hint for me to sit down. The song before was the *Black Boogie*, but I will cut loose and will resume my seat and ask everyone to perhaps enter 100.9fm on their dial.

**MS R. SAFFIOTI (West Swan)** [12.45 pm]: Thank you for allowing me to contribute to the second reading debate of the Noongar (Koorah, Nitja, Boordahwan) (Past, Present, Future) Recognition Bill 2015. I am very proud to stand here today to support this bill and to acknowledge our 100 per cent support for it.

Perhaps I had a pretty sheltered upbringing when I was growing up, but when I was at school I did not really understand or appreciate the history and role of Indigenous people in this country. As I get older I think I better comprehend and understand that history and also embrace it.

I am very proud to represent the Swan Valley, an area with a very rich Noongar history, particularly given the stories about Yagan in the Swan Valley. This bill is another key step towards reconciliation and understanding exactly where we came from, and this is a good time to build a path to the future. I want to talk a little bit about Yagan and about a pressing issue in my electorate—that is, Cullacabardee. I have written to the Minister for Aboriginal Affairs on this matter because I want that community to have a stronger future. It is in my electorate. The member for Kwinana, who has just walked into the chamber, and the member for Victoria Park and I have received representations from local people about that community and about how we can try to make a better future for everyone involved in that community, but I will touch upon that in a second.

As I said, I want to talk about Yagan. I am not sure whether anyone else has done so in this debate, but it is a good opportunity to celebrate his life and to put on record again what he and his family endured. Yagan was born in 1795 and died sometime in 1833. He was a Noongar leader and resistance fighter in the early years of the Swan River Colony. When I did my research for my inaugural speech I came across some very magical imagery about those times in the beautiful Swan Valley, of Yagan and his people sitting there, going about their business and then being confronted by European settlement.

Yagan was both feared and admired by Europeans as a patriot fighting for his land. In today's Noongar community, Yagan is an iconic figure in the fight for Noongar rights and recognition. In July 2010 a reburial of Yagan's head was held and I was fortunate to be able to attend that very significant event. He gained notoriety for his courage and daring in resisting European settlement of Noongar land.

Yagan had three brothers, and more than one wife. Between 1831 and 1833 he appeared regularly in the *Perth Gazette*, and in the published journals and extracts of the Advocate General, George Fletcher Moore. Tall and imposing, Yagan had a distinctive tribal marking on his right shoulder and down his back. He wore a soldier's old coat under his kangaroo cloak to hide this mark.

Debate interrupted, pursuant to standing orders.

[Continued on page 1405.]