

ABORIGINAL LANGUAGES BILL 2017*Second Reading*

Mrs LESLIE WILLIAMS (Port Macquarie) (17:21): On behalf of Mr Rob Stokes: I move:

That this bill be now read a second time.

I acknowledge the traditional owners of the land on which Parliament now stands, the Gadigal people of the Eora nation, and pay my respects to their elders both past and present and extend that respect to the first peoples of New South Wales present here today. I also acknowledge Aboriginal elders in my own electorate on the mid North Coast, in particular, my dear friend Uncle Bill, OAM. Uncle Bill is highly decorated and respected across our community, not because he has broken a record, represented the nation or achieved pursuits beyond others, but because of his storytelling, his imparting of knowledge, his cultural leadership and his advocacy. There are few events hosted in our community that are not preceded by Uncle Bill's Welcome to Country. His Welcome to Country is so colourful, so expressive and so meaningful. I will never tire of his words and I proudly stand beside him on many of those occasions appreciating each time the opportunity to reflect on our indebtedness to the custodianship of our Indigenous elders.

Uncle Bill mixes the Biripai language with English to welcome us to his country, Biripai country. In doing so, he asks us to respect the ocean, land, rivers and the many natural splendours, as this respect ensures the health of our country and its people. His wise counsel and guidance have been personally enriching. He has developed my cultural understanding and strengthened my beliefs about the imperative of building strong partnerships that are the fundamental foundation of reconciliation and equity. I strongly support this bill and feel privileged, humbled and proud to have played just a small part in its passage to this Parliament and this place.

I know that the passing of this bill will likely not be surpassed by anything I do in this place in the years I will spend here. That is because I have learnt from my many conversations with Aboriginal people the significance and strength of this bill. Conversations with Uncle Stan Snr, Hayleen from Aboriginal Affairs, local language teacher Rhonda Radley, Dennis from Walgett, and Uncle Michael, one of the Stolen Generation. Their counsel and that of so many others has guided and nurtured me and taught me so much, and for that I am enormously grateful.

I would like to reflect on the historical introduction of the bill into the Legislative Council on Wednesday, 11 October, which featured a message stick ceremony. That message stick currently sits on this Table and will remain there while this bill is debated in this place. After a ceremonial procession into the Legislative Council Chamber, a group of distinguished elders and emerging young leaders spoke from the floor of the House in their language. A message stick was passed between them, symbolising the passage of language and culture across generations, across first nations and across first peoples' traditions and the traditions of this Parliament.

For tens of thousands of years, message sticks have been used by first peoples to communicate good news and bad, to welcome and to give warning. As the Minister for Aboriginal Affairs said in her second reading speech, message sticks are "physical manifestations of the languages that this bill seeks to acknowledge, nurture and grow." The message stick used in the bill introduction ceremony will stay in the Legislative Council as a permanent reminder to its members of this State's 60,000 years of history and about their duty to honour that history and to share and celebrate this State's unique and valuable first peoples' culture and languages. Like all histories, there has to be an origin story, the spark that became the fire. In the case of Aboriginal languages, they are the embers that lingered and the fire has burnt long and strong.

In 2011, the Hon. Victor Dominello set up the ministerial task force on Aboriginal affairs to examine the state of Aboriginal affairs in New South Wales. When the task force conducted statewide consultations in 2012, there was a very strong call to increase government efforts to work

with communities to revive the Aboriginal languages. In response, OCHRE, the New South Wales Government plan for Aboriginal affairs, included a number of Aboriginal language initiatives. The five Aboriginal language and culture nests are an OCHRE initiative and across the five nests are 67 schools delivering Aboriginal language programs to more than 6,300 students, employing 55 language teachers and tutors. OCHRE also committed to renewing the 2004 Aboriginal languages policy.

When I became the Aboriginal affairs Minister in April 2015, there was little to show for this commitment. Reviews found that Aboriginal languages policies lacked accountability mechanisms and authority to achieve their objectives. Simply writing a new policy would not meet the ambitions of communities or the Government's commitment to work in partnership with communities. I recall a discussion with Jason Ardler, head of Aboriginal Affairs, about this quandary. A new policy could be quickly formulated but its long-term impact and whole-of-government reach would be limited. Jason spoke about legislation to recognise Aboriginal languages in similar jurisdictions, particularly in New Zealand and Canada. I set Jason the challenge for Aboriginal Affairs to explore a legislative model for first languages in New South Wales. Together we travelled to New Zealand in January 2016 to learn from our neighbours across the ocean.

In March that year I met with key first language stakeholders from around the State in Parliament. They spoke of their ambitions for their languages and how legislation could help meet those ambitions. It was in November 2016 that I announced the drafting of a New South Wales Aboriginal Languages Bill and community consultations on the bill. From January 2017, Minister Sarah Mitchell continued this journey, taking the draft bill through Cabinet and out across the State. The Aboriginal Affairs' community conversations held between May and August consisted of 32 workshops in 16 locations across New South Wales in two rounds. The 16 locations were Lightning Ridge, Bourke, Moruya, Wilcannia, Broken Hill, Dubbo, Wagga Wagga, Griffith, Dareton, Tamworth, Lismore, Coffs Harbour, Taree, Sydney, Mount Druitt and Moree.

The workshops included a demonstration of local language and culture and also stories of the personal impact of first peoples' reconnecting with their languages. There was strong support for legislation at the workshops and in the media coverage, but I also understand that there were some concerns with the draft bill. The bill before the House significantly improves on that draft bill, reflecting the input of community members, Aboriginal organisations and other institutions.

The objects of the bill are: to acknowledge that Aboriginal languages are part of the culture and identity of Aboriginal people; to establish an Aboriginal Languages Trust governed by Aboriginal people that will facilitate and support Aboriginal language activities to reawaken, nurture and grow Aboriginal languages; and to require the development of a strategic plan for the growth and development of Aboriginal languages. The bill includes a preamble which will replace the recognition statements in the draft bill. It states:

WHEREAS

(a)The language of the first peoples of the land comprising New South Wales are an integral part of the world's oldest living culture and connect Aboriginal people to each other and to their land;

(b)As a result of past Government decisions Aboriginal languages were almost lost, but they were spoken in secret and passed on through Aboriginal families and communities;

(c)Aboriginal people will be reconnected with their culture and heritage by the reawakening, growing and nurturing of Aboriginal languages;

(d)Aboriginal languages are part of the cultural heritage of all people in New South Wales; and

(e)It is acknowledged that Aboriginal people are the custodians of Aboriginal languages and have the right to control their growth and nurturing.

I note that the Legislative Council amended paragraph (d) to remove the words "of all people". This and other minor amendments arose from a meeting between the Minister for Aboriginal Affairs, key

Aboriginal language stakeholders and representatives of the New South Wales Aboriginal Land Council, and the New South Wales Aboriginal Education Consultative Group. The amendments improve the bill, giving greater clarity and the intention that first peoples must control the growth and nurturing of their languages. I note the draft bill proposed a centre for Aboriginal languages in New South Wales within Aboriginal Affairs. This was not supported during the community conversations. Instead, there was strong support for an independent statutory body led by an Aboriginal board. This bill establishes an Aboriginal Languages Trust. The trust will provide a focused, coordinated and sustained effort on Aboriginal language activities at local, regional and State levels.

The functions of the trust are: to bring together persons with relevant professional qualifications in languages and persons with knowledge of Aboriginal languages; to provide advice and direction for Aboriginal language activities; to promote effective Aboriginal language activities; to identify priorities for Aboriginal language activities; to manage the funding for, coordination of and investment in Aboriginal language activities at local, regional and State levels; to promote education and employment opportunities in Aboriginal language activities; to develop resources to support Aboriginal language activities; to provide guidance to the Government and its agencies on Aboriginal languages; to liaise with the Geographical Names Board on the use of Aboriginal languages and the naming of geographical places; and, finally, to encourage the wider use and appreciation of Aboriginal languages.

The trust will be managed by a board of between five and 11 members appointed by the Minister. The Minister can only appoint Aboriginal persons with relevant skills, expertise or experience and appropriate standing in the Aboriginal community. The Minister has limited powers to intervene in the affairs of the trust and in appointing trust members, approving its strategic plan and issuing directions to the trust. Ministerial directions must be published. These powers are appropriate and do not undermine the trust's independence. Within two years, the trust must prepare a draft strategic plan and submit it for approval by the Minister. The trust also prepares an annual report of its achievements against the strategic plan. Again, there were minor amendments to the bill in the Legislative Council, mostly concerning the strategic plan. I cannot overstate the significance of the bill. Members should not listen to me but rather the voices of Aboriginal people. I refer to Aunty Rhonda Ashby who spoke to the General Purpose Standing Committee No. 3 as one of the Stolen Generation. Aunty Rhonda said:

... it's a part of our identity; it's a part of our soul. Language is a part of our culture, culture is a part of our language—the two are married. If we did not know where we come from, we do not know where we are going. It is like a tree without roots; it won't grow.

Stan Grant junior reflected on the importance of language and the impact of its loss in an article published during NAIDOC Week this year. Its theme this year was Our Language Matters. I read his words onto *Hansard*:

To speak my father's language ruptures the Australian imagination that has seen us variously as doomed, archaic, displaced...

I am far from fluent in my father's language and that is the legacy of our history; a history of culture destroyed or denied. My father, Stan Grant senior, as a young boy saw his grandfather Wilfred Johnson jailed for speaking it to him in the main street of town.

He went on to note:

But there is a resurgence of language as an expression of belonging and an act of defiance in the face of assimilation. My father has devoted much of the later years of his life to reviving Wiradjuri. With linguist John Rudder, he wrote the first Wiradjuri dictionary. He has taught the language and inspired a new generation of teachers. Charles Sturt University now offers a graduate certificate in Wiradjuri language, culture and heritage.

My father says language does not so much tell you who you are but where you are. It is a crucial distinction.

He further wrote:

Today our politics is dominated by talk of "Australian values", "patriotism"; the price of citizenship is the ability to speak English. The resurgence of Indigenous languages is a counter to the triumphalism of the Australian settlement. It is a profound statement of sovereignty—this is, was and always will be Aboriginal land and these are the languages of the land.

Indigenous languages also present a tantalising opportunity for all the people of Australia to find a deeper sense of belonging. The empty space of terra nullius could be filled with the voices of people of all backgrounds speaking the first languages of this land.

In closing, I thank the Minister in the other place for facilitating the ongoing journey of language revitalisation. I thank the team in Aboriginal Affairs for their determination, commitment and dedication. I have no doubt they will ensure the continued advancement of Aboriginal language revitalisation in this State. It is with great pride and privilege that I commend the bill to the House.