

**LEGISLATIVE COUNCIL  
SECOND READING SPEECH  
Noongar (Koorah, Nitja, Boordahwan) (Past, Present, Future)  
Recognition Bill 2015**

The **Noongar (Koorah, Nitja, Boordahwan) (Past, Present, Future) Recognition Bill 2015** is the first piece of legislation in the history of this Parliament to include the language of those people who occupied the land on which this house stands thousands of years before European settlement. The *Noongar Recognition Bill 2015* is a product of the native title negotiations that ran from 2009 to 2015. The state's offer was considered and accepted by all six Noongar claim groups at authorisation meetings held in 2015. The agreement entered into by the state government and Noongar people is the most comprehensive native title agreement in Australian history, comprising the full and final resolution of all native title claims in the south west of Western Australia, including Perth, in exchange for a comprehensive settlement package. The package 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. The agreement will affect around 30 000 Noongar people. It is ultimately an investment in both the Noongar community and the shared future of the Western Australian community as a whole. The agreement will also sponsor the emergence of seven new Noongar corporations across the south west, with the critical obligation to bring a new Noongar voice into partnerships with government and the rest of the community.

On 8 June 2015 the state government signed and executed the six Indigenous Land Use Agreements that comprise the South West Native Title Settlement (Settlement). They were then lodged with the National Native Title Tribunal on 29 June 2015. On 16 September the tribunal commenced a three-month notification period where objections to the agreements could be lodged in accordance with the Commonwealth *Native Title Act 1993*. Once the legal proceedings related to registration are concluded and the agreements have been successfully registered by the Tribunal, the Settlement can commence, which, at the earliest, will be December 2016.

At its simplest, this bill provides Noongar people with symbolic recognition as traditional owners of the south west. However, I believe this bill has greater significance than simply one element of a native title agreement and will ultimately stand alone as a historic, overdue recognition of the Noongar people. I am very proud that we as a Parliament and as a community are able to embrace the opportunity that has arisen from the native title agreement to seek this Parliament's recognition in perpetuity of Noongar culture and history.

*Noongar history:* According to their traditional beliefs, Noongar people have lived in the south west of Western Australia since time immemorial. Archaeological evidence from Perth and Albany confirms that the region has been occupied for at least 45

000 years. The Noongars shared an ancient body of laws and customs that prescribed rights and obligations in relation to all aspects of their society and landscape. For those Noongars living in the Perth area, the main source of food came from the sea, the Swan River and the extensive system of freshwater lakes that once lay between the coast and the Darling escarpment. Noongar groups further south and east lived off the resources of the karri and jarrah forests. Those in the southern coastal area around Albany built fish traps and hunted turtle. To the north and east, they lived in the semi-arid regions of what is now the wheatbelt. Strong spiritual beliefs governed their views of the world, and mythical creatures, stories and obligations were associated with many geographical features of their landscape.

*British arrival:* Official British settlement of Western Australia occurred first in Albany in 1826, with the remainder proclaimed a British colony in 1829. The early years of colonisation were a one-sided struggle over land and resources in the south west, together with the devastating spread of introduced diseases. Despite this, most Noongar survivors stayed on areas of their own country, keeping family connections and culture alive.

Many camped and maintained traditional practices while clearing country for farming and becoming valued employees due to their bush skills and knowledge of country. European encroachment expanded throughout the rest of the nineteenth century, which continued to affect Noongar culture and social organisation.

At the start of the twentieth century, Aboriginal people were still documented as living across the south west, some in missions, some living in camps, many working for settlers, particularly on farms, and many maintaining traditional ways of life. Many European settlers relied heavily on the Noongars' knowledge of their country. Noongars were employed to carry mail, to accompany explorers, and to search for missing livestock. Occasionally, they helped search for missing children, or escorted prisoners. In addition, some people were called on as interpreters, and in many regions police employed Aboriginal people as aides to maintain peace between Aboriginal groups. Others worked as woodcutters, charcoal burners and prospectors. During this period, some Noongar people took up land grants in their own right and adopted some European farming practices.

*The early twentieth century:* At the turn of the century, the economic climate in Western Australia deteriorated and the attitude to Aboriginal people hardened. Diggers who had come from interstate and across the world seeking fortune through the gold rushes of the late 1800s now found themselves without work and many drifted to the south west. This meant an increase in farming enterprises and less demand for Noongar labour. Noongars were dismissed from work and ordered off the land.

The pressure on Noongar people escalated with the emergence of the *Aborigines Act 1905*. The act, with subsequent amendments, remained in place until 1963 and provided for a repressive and coercive system of control over all aspects of the lives of Aboriginal Western Australians. From this point on, administration of Aboriginal matters was managed by a series of government departments, which had the mandate to, firstly, segregate Aboriginal people from the broader population and, secondly, remove children, particularly "part- Aborigines", so that they could be

assimilated into the white population. The *Aborigines Act 1905* applied to all Aboriginal people in Western Australia, but, by virtue of geography, the Noongars were very much affected by the act's enforcement. Noongar people were separated from the wider community, confined to native camps or reserves on the outskirts of towns, and subject to curfews requiring them to vacate town areas by 6.00 pm or face arrest. They were excluded from jobs and could not move to another area without the approval of a "protector", usually the local policeman, who could exercise a wide range of powers supported by the courts.

The Settlement negotiations inevitably involved the sons and daughters, and grandchildren, of people whose lives were directly impacted by the *Aborigines Act 1905* and other government policies that followed. There is no question that the impact of the act still resonates throughout Western Australian society, particularly the Noongar people, 110 years later.

Today, there are around 30 000 Western Australians with Noongar ancestry. Despite the history of oppression and marginalisation, Noongar people have survived and continued to assert their rights and identity. They have a unique, vibrant, identifiable and strong culture, existing as one of the largest Aboriginal cultural groups in Australia. This is reflective of the immense strength, support and dynamism of Noongar family groups, most of whom can trace their lineage back to the early 1800s.

At the heart of the Settlement is an acknowledgment and honouring of the Noongar people as the traditional owners of this land. The *Noongar (Koorah, Nitja, Boordahwan) (Past, Present, Future) Recognition Bill 2015* recognises this. I quote from the bill —

- (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.

"Pursuant to Standing Order 126(1), I advise that this Bill is not a uniform legislation Bill. It does not ratify or give effect to an intergovernmental or multilateral agreement to which the Government of the State is a party. Nor does this Bill, by reason of its subject matter, introduce a uniform scheme or uniform laws throughout the Commonwealth."

I commend the Bill to the House and table and Explanatory Memorandum.