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**Full Day Hansard Transcript (Legislative Assembly, 8 September 2010, Proof)**

**RECOGNITION OF ABORIGINAL PEOPLE**

**Attendance of Auntie Bev Manton, Chairperson of the New South Wales Aboriginal Land Council, and Uncle Charles "Chicka" Madden, Gadigal Elder**

**The SPEAKER:** I pay my respect, and acknowledge the traditional custodians of this land on which we are now gathered. I also pay my respects to Aboriginal Elders, past and present, and extend my respects to other Aboriginal people here today. I draw the attention of members to the resolution of the House passed yesterday which authorised the attendance of Auntie Bev Manton, Chairperson of the New South Wales Aboriginal Land Council, and Uncle Charles "Chicka" Madden, Gadigal Elder, to be seated on the floor of the House during the proceedings on the Constitution Amendment (Recognition of Aboriginal People) Bill.

[*Councillor Bev Manton and Uncle Charles "Chicka" Madden were conducted onto the floor of the Chamber.*]

I welcome Auntie Bev Manton and Uncle Charles Madden and acknowledge that they have taken their seats on the floor of the House. I also welcome to the House His Excellency the Honourable James Spigelman, Chief Justice of New South Wales and Lieutenant-Governor of New South Wales, and other special guests seated behind the Chair and in the galleries of the House. I acknowledge the presence in the Chamber of the Premier, the Leader of the Opposition, the Leader of The Nationals and all other members.

Today marks an important chapter in the ongoing process of Aboriginal reconciliation. As Speaker of the Legislative Assembly, it is a great honour for me to make some remarks to the House on behalf of the Parliament on this historic occasion. The New South Wales Parliament has played an important role in relation to Aboriginal reconciliation. On 18 June 1997, the New South Wales Parliament was addressed by Ms Nancy deVries, representing Aboriginals of the stolen generation. Following her address the Premier moved a motion apologising to the Aboriginal people for the systematic separation of generations of Aboriginal children from their parents, families and communities.

The motion also acknowledged the role the Parliament had in enacting laws and inflicting grief and loss on Aboriginal Australians. In unanimously passing this motion, the New South Wales Parliament became the first Parliament in Australia to formally issue an apology to the stolen generation. In 1997 and 1998 the Legislative Assembly Chamber hosted a Black Parliament which brought together members of Parliament and elected officials of the Aboriginal and Torres Strait Islander Commission and the New South Wales Aboriginal Land Council. The forum provided all people involved with an opportunity to exchange views, share information and strengthen links between Aboriginal and non-Aboriginal Australians.

In March 1998, the Parliament dedicated a wall in the public Fountain Court as a Reconciliation Wall. The wall displays artworks by Indigenous artists from around New South Wales and features several exhibitions each year involving various media art forms, such as paintings, photography, printmaking and sculptures. The wall is part of the Parliament’s commitment to reconciliation with Aboriginal people. It is warmly supported.

Since 22 September 2005, the Legislative Assembly has formally acknowledged that the Eora people are the traditional owners of the land on which the House meets. The current Standing Orders, which were approved by the Governor on 21 February 2007, formally incorporates this acknowledgement of country into the procedures of the House and provides for the acknowledgement of the Gadigal People of the Eora Nation, the traditional owners of this land where Parliament meets, at the commencement of each sitting day. Additionally, this acknowledgement of country also recognises the traditional owners of the lands we represent in each of our electorates.

This amendment to the New South Wales Constitution Act, to formally acknowledge the Aboriginal People as the first people of the State of New South Wales, is an important step in an ongoing process of reconciliation. I commend all involved for the introduction of this important amendment to the Constitution Act and call on the Premier to introduce the bill.
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**CONSTITUTION AMENDMENT (RECOGNITION OF ABORIGINAL PEOPLE) BILL**

**Bill introduced on motion by Ms Kristina Keneally.**

**Agreement in Principle**

**Ms KRISTINA KENEALLY** (Heffron—Premier, and Minister for Redfern Waterloo) [11.39 a.m.]: I move:

That this bill be now agreed to in principle.

I acknowledge that we are on the traditional lands of the Gadigal people. I pay my respect to elders past and present, and recognise that we have in the Chamber today many distinguished Aboriginal people from a range of areas within our community. I acknowledge Ms Bev Manton, Chairperson of the New South Wales Aboriginal Land Council. Bev is a proud member of the Worimi nation and is a welcome guest in our House today. I also acknowledge Uncle Charles "Chicka" Madden, a most respected local Aboriginal elder who also joins us on the floor of the Parliament for these historic proceedings. I have been to many events with Chicka over the years, and at all times he has been a strong advocate for his people and respected in all communities. I also acknowledge the Hon. James Spigelman, Lieutenant-Governor of New South Wales and Chief Justice of New South Wales, representing the Governor today. I also acknowledge our invited guests in the Chamber today. You are welcome guests of this Government and this Parliament to witness today's proceedings.

It is humbling to have the opportunity to put before this House legislation to recognise our first people, our Aboriginal people, in the New South Wales Constitution Act. And it is inspiring. It is inspiring because I do so with confidence that this bill enjoys the support of all members of the House, reflecting the goodwill of communities across New South Wales to our intention. Our intention is to provide recognition—recognition that is long overdue. One hundred and eight years after its first passing, our Constitution Act will acknowledge the first communities, the first nations, of what is now our State. While noting that this recognition is overdue, this Parliament can still take pride in the steps we have already taken to honour and recognise our Aboriginal communities, perhaps most notably in the passage of the Aboriginal Land Rights Act 1983. As well as taking real steps to redress the injustice and neglect of Aboriginal needs, this Act included in its preamble an important statement by the Parliament on the spiritual, social, cultural and economic significance of land to the Aboriginal people of New South Wales.

We now understand that this recognition should extend further and that it should not be bound to a single issue or Act but expressed as a principle of our democratic foundation. Today we are enshrining fundamental truths: the truth that our Aboriginal people are the first inhabitants of New South Wales; the truth of the spiritual, cultural and economic ties that bind our Aboriginal people to their traditional lands and waters; and the truth in the diverse and unique contributions that our many Aboriginal nations, cultures and communities make to the life, the economy and the character of our State. Some may say that this legislation is just symbolic, but I trust that those who do also know the importance of symbols and their power to inspire and to shape our attitudes and actions. I trust they understand that the icons of our national and cultural identity are of themselves merely symbols, and I ask them to consider how they might feel if they had to live their lives in absence of these symbols, in the absence of the recognition they proclaim, and in the absence of the identity they publicly provide.

I ask them to consider that in all our cultures and in all human history there are symbols, and then there are the meanings that we attach to them. People have died for reasons that others might have called symbolic. There are times when symbols matter very deeply. Similar things could be and were said of aspects of the 1967 referendum. The referendum proposal that Aboriginal people no longer be excluded from the census was, from a perspective, symbolic. But it recognised that Aboriginal people were Australian people. And the impact of this symbolism was deep and far-reaching because, by including Aboriginal people in the census, issues that had been well known in Aboriginal circles but shrouded away from mainstream Australia were suddenly exposed on a national scale. Numerous insights emerged. Many of them were shocking, and that shock kick-started much-needed improvements in health, education and services.

Similar things could be and were said of the apology to the stolen generations that was made by this Parliament in June 1997—the first of its kind by any Parliament in Australia. They were also said of the national apology in 2008. Yes, these were symbolic gestures. They were deeply symbolic gestures because they were powerful and they were necessary expressions of the community's will. These are gestures of recognition and the emotion on display at their giving, perhaps most memorably in Canberra in 2008, tells us how powerful recognition is when it comes after generations of being denied. Days like this are both emotive and empowering, and they truly serve as milestones for our whole community, reminding us of how far we have come together and showing the journey still ahead. In the words of Bev Manton, Chairwoman of the New South Wales Aboriginal Land Council:

There is a tendency to ignore the symbolic over the practical, but there is no good reason, of course, why we can't do both".

We can, and today, we are. Three months ago both sides of this House pledged to work in a bipartisan spirit to close the gap in indigenous disadvantage, specifically the gap in life expectancy. We pledged to work with non-government organisations and the community to improve indigenous health and equality for Aboriginal people across the board, and we are pressing ahead with fresh determination to implement our many measures to improve Aboriginal health, welfare and education. What gives me the greatest hope in our ambition is that this is now finally an issue that is beyond politics, and our efforts can only be stronger for our agreements on this priority. Many people deserve mention as we reach this historic milestone today, because what we see today is fulfilment of a collective expression. So I thank all those who have brought us to this proud day in our State's history.

I thank the many New South Wales residents and members of this House who provided comment and feedback on the proposed changes. I thank the Leader of the Opposition for his support, enabling us to move forward with common resolve. Above all, I thank the Aboriginal people of New South Wales for their cooperation, understanding and patience. This, like other moments in our journey to reconciliation, has been too long coming. Having lived with such recognition my entire life, I cannot begin to understand the tolerance required to live in its absence. In fact, I can barely imagine it. So while our commitment to true equality of opportunity in our State is expressed primarily in practical actions, our symbols do matter, especially those that reside in our pre-eminent legal framework. So I am grateful to be here today as our Parliament brings forward necessary and positive change. I commend the bill to the House.

**Mr BARRY O'FARRELL** (Ku-ring-gai—Leader of the Opposition) [11.47 a.m.]: Mr Speaker, Your Excellency the Lieutenant-Governor, Councillor Bev Manton, Charles Madden, ladies and gentlemen, I acknowledge, as did the Premier, that Aboriginal people were the first owners of this land, that they are still the owners of this land and they will always be the owners of this land. The Governor of New South Wales cannot be with us here today, but anyone who knows Professor Marie Bashir knows of her dedication to the Aboriginal community and her work with that Aboriginal community over decades. I am sure this is one occasion in Parliament that she deeply regrets missing.

However, there could be no better representative of Her Excellency here today than the Lieutenant-Governor. In 1965, he was on one of those freedom rides that helped seek to establish the rights of the Aboriginal people of this State—the freedom rides that were not without risk, the freedom rides that saw violence when they visited Moree and that saw the bus driven off the road in Walgett. But as my friend the member for Barwon now says, what were once symbols of segregation are now beacons of hope for the sorts of changes that can be effected if people of goodwill—there have always been people of goodwill prepared to stand up for injustice and speak out for equality—come together and work for a common cause.
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I stand here in this Chamber as the member for Ku-ring-gai, one of the few seats with an Aboriginal name. The Ku-ring-gai people may not be here but amongst us today are representatives of the Bidjigal people of the Eora nation, those people who come from Kurnell where Europeans first arrived all those years ago, where the dispossession began, and where so much distress and disappointment almost commenced.

Mr Speaker, I acknowledge, as you and the Premier have said, that this was the first Parliament at which a heartfelt and unanimous apology was offered to Australia's Indigenous communities. It was, as you say, a place where there is now a memorial wall, and I acknowledge the role of the member for Wakehurst in initiating that wall. For many years the member for Wakehurst was an Opposition spokesman on Aboriginal affairs. The Legislative Assembly has been in existence for 154 years and has operated under a Constitution for 154 years, and for all of that time there has been no acknowledgement of the first nations, and for all of that time there has been no acknowledgement of Aboriginal people. This is a long overdue action and it is supported by my colleagues, the Liberals-Nationals, my Independent friends in this House, and the Leader of The Nationals, who will indicate that bipartisan support when he also has a chance to speak.

Many of us come to this place with a philosophy—for me it is best summed up by John Stuart Mill who said, "The worth of the state, in the long run, is the worth of the individuals composing it". If we want this State to be the State of opportunity and hope, we cannot exclude anyone, and we should never exclude those for whom this State was their first home and will always be their home. Recognition is important. It goes beyond mere symbolism but without results and clear achievement it still will not be enough.

Whoever is the author of the words said in Redfern all those years ago, the sentiments expressed were right. We should never ignore historical truth, and recognition is critical: Recognition that it was we who did the dispossessing. We took the traditional lands and started the destruction of traditional life. We brought the diseases. We brought the alcohol. This place, in fact, owes its origins to the rum core hospital, the evils of that alcohol that came to this colony. We committed the murders. We took the children from their mothers. We practised discrimination and exclusion. It was our ignorance. It was our prejudice and our failure to imagine what it would be like if such things were done to us.

As I have said before, I have the privilege to represent in my electorate a wonderful woman who for me encapsulates what so many in the gallery and so many across this State have experienced. Faith Bandler is one of those individuals who fought the good fight for the referendum referred to by the Premier. It was a referendum to ensure that the national government could make national laws for people, regardless of race, including Aboriginal people, and a referendum that ensured that Aboriginal people for the first time in the history of this nation would be counted literally in the census. Faith Bandler along with Pearl Gibb crashed a Liberal Party meeting and saw Bob Askin, a future Premier of the State, who said to them, "You have my sympathy". Pearl Gibb shot back at him, "We don't want your sympathy, we want our rights".

Faith Bandler tells that story with a laugh, as she tells the next story. When she finally met Robert Menzies, whose government initiated the referendum that occurred in 1967 under the Holt-McEwan Liberal- Nationals federally, he said, "You are a remarkable woman. Those petitions that you collected have done a remarkable thing. I am the first Prime Minister in this nation's history to present a petition, and it was your petition". Frankly, it was the right thing to do. The 1967 referendum was passed by the largest winning margin of any in the history of this nation, of which we should all be proud. Equally we can be proud that we have had a Federal Constitution since 1901, that the right to vote for Aboriginal people was reaffirmed in 1949, that from 1962 onwards there was no doubt about the right to vote in States and Territories.

It took 70 years before an Aboriginal, Neville Bonner, representing the Liberal Party in Queensland, took a place in the national Parliament in the Senate and sat there for 12 years. It took 108 years before we had an Aboriginal enter the House of Representatives, Dr Ken Wyatt, a former public servant from the New South Wales Health department, who has become the Liberal member for Hasluck in Western Australia. It took 140 odd years—every one of them worth the waiting—for the member for Canterbury, MsLinda Burney, to take her place as the first Aboriginal to enter the New South Wales Parliament. My only point is that, despite a Constitution in 1901, despite a referendum in 1967, it still takes time, and how much more patience do our friends in the gallery have? How much more patience should Aboriginal communities across this State have, given what is happening to them?

We know that Aboriginal life expectancy is lower than the rest of the community. We know there are higher rates of diseases, including diabetes, heart disease and kidney disease amongst Aboriginal communities, and that those rates have increased over the past decade. We know that there are increased hospitalisation rates, including for smoking and alcohol-related illnesses that have also increased. We know that the unemployment rate amongst Aboriginals in this State is at least three times higher than the rest of the community. We know that the rate of young people and children in care is significantly higher and is increasing. We know that the New South Wales Office of Aboriginal Housing shows that overcrowding in Aboriginal dwellings is increasing across New South Wales in places like the mid-west, the south-east and the North Coast. We know, in that great enabler of opportunity education, the Two Ways Together Report on Indicators was produced last year and said, "There is a significant gap in the achievement of Aboriginal students in years 3, 5, 7 and 9 relative to non-Aboriginal students in New South Wales in both reading and numeracy in the NAPLAN test results for 2008".

On Friday, the latest National Assessment Program—Literacy and Numeracy [NAPLAN] results will be released, and I will be looking to see whether that gap has narrowed and whether the rhetoric and commitment has translated into results. Until it does translate into results, no-one should be satisfied, notwithstanding the joy of this ceremony today, because until we have that equality, it simply will not exist. There can be no equality of citizenship without equality of opportunity. There can be no equality of opportunity until those in Aboriginal communities have the same life choices and life expectancies as the rest of the community. It will require a clear commitment. It will require a focus on results. It will require transparent and honest measurement. It will require a commitment to direct resources to where the problems exist.

As Noel Pearson reminds us in relation to another State presently, it also means that we have to do away with the modern day paternalism that says that government always knows best. Letting go of control is always scary but it has to be done because government is never always right. Those of us who believe in the rights of individuals to make decisions about their lives and services they depend upon understand that the community, whether Aboriginal or non-Aboriginal, is best at identifying its needs. And the community is usually best in meeting the needs of the problem within its community, and the job of government should be to support the community in its actions.

Giving people a real say and what they deserve in a democratic system is what citizenship is meant to be about. Reconciliation has no meaning if it does not mean equality of opportunity, if it does not mean life expectancy, if it does not mean better educational and health outcomes, if it does not mean greater life choices, and if it does not mean that any person born in any Aboriginal community across this State can have the same life choices as my children who live at Roseville.

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Outside I met Uncle Max, who was involved with the smoking ceremony, who told me proudly of his decision in 1973 to leave north-western New South Wales and come to Sydney to flee the evils of alcohol. He told me with pride about his influence and impact and his involvement and spread of Alcoholics Anonymous to other Aboriginal communities. He said to me with pride that he had appeared in movies—the names of which I forget, Mr Speaker, but I am sure you know—and that those movies had involved alcohol, and he had been able to resist the temptation. That was a life choice made by an Aboriginal exercising the sort of personal responsibility and understanding of what suited him that we all need to be committed about.

I am optimistic. I believe that people are assets. I believe that the role of government is to create an environment for people to fulfil their potential because, Aboriginal or not, that benefits us all. I understand that in achieving that we need to focus on the provision of fundamental services and infrastructure upon which people and enterprises seek to build their lives. I understand that that is the only way to return to Australia's first nations the opportunities and the care that this nation has provided to those of us who, over the past 222 years, have come to this country, who have sought opportunities and pursued opportunities, and who believe that this is a great country. It should be a great country for our first communities. It should be a great country for those Aboriginal communities. This is the first step, but it is not the conclusion. We need to work much harder across all sides of politics, forget the rhetoric and deliver the results.

**Ms LINDA BURNEY** (Canterbury—Minister for the State Plan, and Minister for Community Services) [12.01 p.m.]: May I begin in my language, the language of the Wiradjuri people, by formally recognising the traditional owners of the land on which we meet: Ballumb Ambal Cadigal yindyamarra. Ngadu—yirra bang marang. I pay my respect to the ancient Cadigal of the Eora nation. I join with the Premier and the Leader of the Opposition in recognising Mrs Bev Manton and Mr Charles "Chicka" Madden. It is a great honour to have you on the floor of the Parliament with us today. I also recognise the many other senior people who join us for what is a very significant and very good day in the New South Wales Parliament.

It is quite overwhelming for me to be standing here and I am sure that many other people feel that sense as well. For Aboriginal people, this place has not been a place that has served us well all the time, but I particularly want to acknowledge the Minister for Aboriginal Affairs who has brought this landmark piece of legislation before the House. It has been Minister Lynch's vision and deep sense of social justice that has carried the bill which sits before us today and I want us to acknowledge Minister Lynch for that. I would also like to acknowledge the Premier and, importantly, the Leader of the Opposition and the Deputy Leader of the Opposition for their recognition of the importance of this issue. I would also like to mention Veronica Graff, who I know cannot be with us today but who was very passionate about constitutional recognition of first nations people.

I begin my contribution to this debate with a brief foray into the history of Australia and its peoples, of the colony of New South Wales and a little of my personal history. This House stands a short walk from where the colony of New South Wales began, where today happy tourists and office workers arrive on ferries at Circular Quay. In 1788 the ships' boats of the Royal Navy landed armed marines, officers and convicts. The displacement of the country's first people started immediately with the guns they carried and mostly, in the first instance, the diseases they brought. But they did it even more finally with the laws that they made and the history they wrote. History, as we all know, is written by the conqueror. The history of the country, they said, started with their own arrival. Those of us in this Chamber of my vintage will remember learning that at school.

The history of New South Wales is one of contested ownership of country and contested symbols. When, in the 1850s, the colony made its first steps towards self-government warfare still raged in the State's central west. Aboriginal people had been fighting desperately in this part of the world. Pemulwuy, the Rainbow Warrior, was the de facto leader of a rebellion every bit as serious and deadly as a modern day insurgency, and his son Tedbury followed in his footsteps. For my mob, the Wiradjuri, it was our great warrior Windradyne who led his men and fought so fiercely that martial law was declared in Bathurst in 1823, the only time it was declared in the colony.

When the colonies of Australia federated in 1901 they produced a dry, empty document. It reads more like an interstate free trade agreement than a national foundation. The New South Wales Constitution Act passed in 1902 was part of the same process and although, unlike the famous American document, they do not define citizenship or rights, the drafters of the Commonwealth version did make sure to include section 127 making explicit that Aboriginal people were not to be counted amongst Australians.

In 1967 when most—not all—Australians voted in the famous referendum that the Premier and the Leader of the Opposition have referred to I was a 10-year-old girl in the channel country in south-western New South Wales, not a citizen of this country. I was not taught that Aboriginal people had a place in the Australian nation, and we all know how that went. Throughout the greater part of the twentieth century to be Aboriginal was to be a non-citizen. Aboriginal people who were born prior to 1967—and some are here in this Chamber—were people who were born, who walked, who fought wars for this nation, who worked for this country, and who died for this country, and yet they were non-citizens.

The Constitutions of Australia and New South Wales are not institutional documents, as the Premier has said, but they do carry symbolic power. It is that power that this bill attempts to use in the service of reconciliation. It is a commonly expressed sentiment that reconciliation should be practical and material rather than symbolic. It is true, as Dr Alex Borraine told the 1997 Reconciliation Convention, that reconciliation needs real, physical amends. It needs genuine restitution, an acceptance of who we are and what has to be done to make things right. Pat Dodson was right to declare in the same year that we cannot have reconciliation without social justice. I do not, however, see the practical and the symbolic as opposed to each other. We are not playing a zero-sum game in which symbols come at the expense of action. They complement each other, in the same way that you cannot give a loved one a meaningful gift without a kind and heartfelt word. The Australian historian Melissa Harper described in her book on Australian national symbols published earlier this year just how important symbols are to who we are. She wrote that it is we who make symbols—people do. The nation is a product of its symbols:

When people draw maps, hoist flags, buy souvenirs, design trademarks and stamps, they make the imagined nation a tangible reality…

Far more than the animals on our stamps and the trademarks on our groceries, this symbolism goes for our laws and our fundamental Constitutional documents, and, more importantly, our sense of identity as Australians together.

I remember as a child marching with the school to the local war memorial on 25 April to pay our respects. I remember as a child at the gates of the Whitton War Memorial looking up at the names and thinking, "Who are those people? What did they do and why did they do it?" Today is very much about that as well. There are no more generous people in this country than Aboriginal people.
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That is what you are all experiencing today—an amazing generosity. The State of New South Wales does not have a legal document more important than the Constitution and this Parliament deals with nothing less important than the laws we all live by. Throughout the twentieth century legislation has been one of many tools for improving the position of Aboriginal people. To mention just one example, the State of New South Wales should be proud of the Aboriginal Land Rights Act 1983—some of you who were champions then are here today—which aimed to compensate traditional owners for the loss of their land. It remains a landmark and powerful piece of legislation. Social activism, legal debate and acts of history and truth-telling have informed the drafting of those laws. We can thank the lifetime struggles of Aboriginal people and their non-Aboriginal allies for the gains we have made together. I stress that—the activism of Aboriginal people and our non-Aboriginal fellow travellers.

In the pitching of the famous 1972 tent embassy and also actions such as reclaiming the Redfern Block for its Aboriginal tenants, symbolism and the demand for real action combined powerfully. In the courts, Aboriginal people have found redress for their grievances. Eddie Mabo's famous 1993 victory in the High Court won Aboriginal and Torres Strait Island people their rights, their dignity and their official place as original owners of their lands. In setting the record straight about the past, Aboriginal people have even been able to establish their place in the national story. That goes for academic histories, through the works of authors such as Henry Reynolds, whose work has been dedicated to *The Other Side of the Frontier*, and official, legal histories such as that of Sir Ronald Wilson and Mick Dodson, who gave Australia the "Bringing Them Home" report. This was a seminal report. The country could no longer say—and we were all there when that report came out and we heard the stories of the stolen generations—and as a nation not one of us could ever say again that we did not know.

Perhaps the most important thing about this Act is that this is not just for Aboriginal people, rather it is for everyone. We measure ourselves and recognise ourselves in the documents and institutions we share. Ghassan Haig, the Sydney University anthropologist, described societies as "mechanisms for the distribution of hope". Isn't that fantastic—mechanisms for the distribution of hope? A society that creates attachment and encourages its citizens to commit to its future is an embracing society. It distributes hope among its citizens and induces them to care for it. When I was a child, as I mentioned before, I could certainly not find this hope and care in the institutions of the Australia that existed then. An Australian child growing up is surrounded by Australian symbols, institutions and language. A girl or boy learns to recognise herself or himself, as if they were looking in the mirror, in the symbols around them. For Koori children growing up the reflection was not clear and sometimes it was non-existent. It is critical that those symbols and institutions make a truthful account of the past and present so that everyone can be included and accounted for. Constitutions are nothing if they are not living documents. An institutional document that does not take account of the truth and the history of the land and its peoples is a false document.

Today is also about feelings and about story-telling. In acknowledging the true history of New South Wales this bill recognises the heritage of every citizen, Aboriginal and non-Aboriginal. It is, after all, a past we share. The country is coming of age and we must now know, understand and embrace true history. The peaceful settlement people once believed in was a lie. When groups of school students tour this House I hope that they are able to recognise it as a representative of their society—all children. This Parliament is not just a place for the dry making of laws; it is a place for telling true stories of people and places. It is a place for feeling. It is a place for people to demand their rights. It is a place for achieving social justice. In recognising Aboriginal people as traditional owners and custodians of the land in this State's Constitution this bill achieves this. I am so proud. I commend the bill to the House.

**Mr ANDREW STONER** (Oxley—Leader of The Nationals) [12.14 p.m.]: Mr Speaker, Your Excellency the Lieutenant Governor, Auntie Bev Manton, Uncle "Chicka" Madden, members of the Aboriginal community from right around New South Wales, honourable members and ladies and gentlemen. I rise on behalf of the New South Wales Nationals to express my strong support for this amendment to the Constitution Act 1902. New South Wales has had a Constitution since 1856, so today's special sitting is truly a historic occasion. It is a rarely acknowledged fact that New South Wales has the largest indigenous population of any State or Territory. My New South Wales Nationals colleagues and I represent the majority of regional New South Wales and therefore most of the indigenous communities throughout our great State.

In my electorate of Oxley a significant number of indigenous Australians live, in places such as Kempsey, Bowraville, Bellbrook and many of the other communities on the magnificent mid North Coast. I and other Nationals members in this place have a close affinity with the indigenous communities we represent and we are therefore proud to support this amendment that, firstly, acknowledges and honours the Aboriginal people as the first people of this State; and, secondly, recognises Aboriginal people have a spiritual, social and cultural relationship with their traditional lands and waters and have made a unique and lasting contribution to the identity of New South Wales.

This constitutional amendment is therefore of great symbolic importance to indigenous communities and to Australians as a whole. We see that in the packed gallery here today, which is full of indigenous community representatives. However, we will need much more than symbolism to close the disparity gap between indigenous and non-indigenous Australians in this State. The Nationals, being often in the indigenous communities we represent throughout New South Wales, are only too aware of the wide gaps in outcomes between Aboriginal and non-Aboriginal people that sadly still exist today.

The "Two Ways Together: Report on Indicators 2009" report released in July this year shows us that in far too many cases the outcomes for indigenous Australians are not improving or in some cases even deteriorating. We find the following socioeconomic indicators of particular concern: Life expectancy at birth of 70 years for Aboriginal males and 75 years for Aboriginal females in this State, are 8.8 and 7.5 years shorter respectively than for non-Aboriginal males and females. In 2007 Aboriginal children aged between three and five made up only 4.5 per cent of preschool enrolments in New South Wales. Between 2002 and 2007 the unemployment rate for Aboriginal people was consistently over three times higher than the rate for all New South Wales residents. Hospitalisation rates for Aboriginal males increased by 43 per cent over a similar period, rising from 39,587 per 100,000 in 2002-03 to 56,628 per 100,000 in 2007-08. And the rate of family-violence-related assault involving Aboriginal women is six times higher than the rate among non-Aboriginal women.

The Safe Families Program to tackle Aboriginal child sexual assault in five nominated communities in western New South Wales is running behind schedule, leaving at risk our most vulnerable. This is simply not good enough in the Premier State in the twenty-first century. These gaps on economic and social outcomes are a measure of the distance we still need to travel in this State and reinforce the need for all of us to work together and work harder, beyond symbolism, to what I have previously termed "practical reconciliation".
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Amending the Constitution is a tremendous start, but in a State as prosperous as New South Wales more must be done to support our indigenous communities, and not just in a symbolic sense. As the Premier said, this issue is above politics. I urge all members to work together with indigenous communities to identify local solutions to local problems and then to take real action, in a practical sense, to support the significant and symbolic step that has been achieved today. I note the young baby who is present in the gallery today. On the theme of symbolism, perhaps today represents a fresh start for reconciliation and a new start for indigenous people in New South Wales. On behalf of the New South Wales Nationals I offer our strong support for this bill.

**Pursuant to resolution debate adjourned and set down as an order of the day for a future day.**

**RECOGNITION OF ABORIGINAL PEOPLE**

**The SPEAKER:** It gives me a great deal of pride to call on Aunty Bev Manton to address the House.

**Councillor BEV MANTON:** What a wonderful day for us as Aboriginal people of this country. I acknowledge the Gadigal people, their elders past and present, still strong and still surviving after 200 years. I acknowledge the Hon. James Spigelman, Lieutenant-Governor of New South Wales, Premier Kristina Keneally, our wonderful Linda Burney, the Hon. Paul Lynch, Minister for Aboriginal Affairs, Barry O'Farrell, MP, Leader of the Opposition, Uncle Charles "Chicka" Madden, other members of the Parliament who are with us today, my fellow councillors from the New South Wales Aboriginal Land Council, and my other Aboriginal brothers and sisters in the gallery. I am honoured to be here today as the Chairwoman of the New South Wales Aboriginal Land Council to welcome this amendment to the New South Wales Constitution.

As most members would be aware, the New South Wales Land Council is the peak duly elected representative body for the Aboriginal people of New South Wales. We are firmly focused on protecting the rights and interests and furthering the aspirations of our 20,000-odd members and the broader Aboriginal community. It has been acknowledged on all sides of this Parliament and elsewhere that there is much unfinished business when it comes to State and Federal constitutions. That is particularly so when it comes to acknowledging the crucial importance of the special place of Aboriginal people in the history of our nation. Today we share an important moment in our constitutional history. Today Aboriginal people are being given due recognition and honour as the first peoples and nations of Australia and New South Wales.

As members are all aware, the tone for this country's relationship with Aboriginal people is embodied in the Constitution. That is why the New South Wales Aboriginal Land Council sought a commitment from the State and Federal governments to give constitutional recognition to Australia's first peoples through amendments to the preamble of their respective constitutions. This commitment was sought during the 2009 annual conference of the Local Government Association of New South Wales, which was attended by Premier Keneally, but who at that time was not Premier. The New South Wales Government is now acting upon that commitment. I am encouraged by its willingness to extend this special recognition to Aboriginal people as the traditional custodians and occupiers of the land. I am encouraged by its willingness to acknowledge that we have, and we always have had, a continuing spiritual, social, cultural and economic relationship with our traditional lands and waters.

In doing so the New South Wales Government has set the tone for the rest of this document. In doing so it is offering us an opportunity to articulate further our shared goals, principles and ideas as a nation. This is a significant constitutional step in the right direction and I am hopeful that it will not be the only step. There are very few mechanisms for our people in this State that provide a basis for protecting the rights that are available to us as first peoples. The New South Wales Aboriginal Rights Act is one of these. Like the proposed amendment to the New South Wales Constitution, the Land Rights Act gives due and special recognition to the spiritual, social, cultural and economic importance of land to Aboriginal people. It is our sole form of compensation for the dispossession of our land.

This is little understood by the general public. It is important for the Government and for this Parliament to continue to uphold such legislative mechanisms as they are fundamental to the protection of our rights. Aboriginal people throughout New South Wales would appreciate it if the Government and the Parliament built upon such laws to extend the goodwill that is evident here today. The United Nations Declaration on the Rights of Indigenous Peoples provides a framework that fully respects Aboriginal people's rights and creates an opportunity for all Australians to be truly equal. I urge the State Government and all members of this Parliament to work together in the coming months to take the next step on the path towards full recognition of Australia first peoples. They could do so by commencing to implement the principles enshrined in the United Nations Declaration on the Rights of Indigenous Peoples.

Practical steps for implementing the declaration include the delivery of services, financial and infrastructure support, legislative amendment, education programs, and reparatory measures. In taking this step the Government and all members of Parliament must ensure meaningful, respectful and culturally appropriate consultation with grassroots Aboriginal peoples; recognise the impact of historic injustices and the fundamental importance of self-determination and the right to self-government; recognise and respect Aboriginal people as the only determinants of their Aboriginal culture and heritage; and provide freedom from discrimination and respect for legal and other protections that enshrine these rights.

In our view these measures should be supported by a rights-based scorecard for benchmarking and monitoring policies, programs and services for Aboriginal people. Such a scorecard was developed in 2004 by the former Aboriginal and Torres Strait Islander Commission, or ATSIC, which attempted to provide a framework against which laws, policies programs and services could be assessed. That would be a good starting point. Without the political will and funding to secure the rights enshrined in the declaration these measures alone will not create opportunities to remedy the disproportionate disadvantage experienced by so many Aboriginal communities in Australia. In the now famous words of former Prime Minister Kevin Rudd during his apology to the stolen generations in Canberra:

... unless the great symbolism of reconciliation is accompanied by an even greater substance, it is little more than a clanging gong.

In closing I acknowledge and applaud the New South Wales Government for taking this step. I look forward to a time when the United Nations Declaration on the Rights of Indigenous Peoples is implemented into law, policy and service provision for Aboriginal people in this State. I, too, acknowledge our youngest guest in the gallery today, who appears to have agreed with a lot of what has been said.

**The SPEAKER:** Very well behaved as well, I might add!

**Councillor BEV MANTON:** This is about creating a better future for us and for future generations of Australians. I am ever hopeful of what tomorrow will bring. Thank you.

**The SPEAKER:** On behalf of the House, I sincerely thank Aunty Bev Manton. I now invite members and distinguished guests to join me in attending a reception in the Speaker's Garden on this memorable occasion.

[*Councillor Bev Manton and Uncle Charles "Chicka" Madden withdrew from the Chamber.*]
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