Labor’s plan to empower Aboriginal people and communities
Labor will develop a pathway to negotiate a Treaty or Treaties with the First Peoples of NSW

Labor will undertake community consultation to develop a pathway for the negotiation of a Treaty or Treaties with the First Peoples of NSW.

The negotiation of a treaty will be a complex process.

Labor believes this process must bring all members of the community together to advance the cause of reconciliation.

Labor will establish a Premier’s Taskforce to begin consultations with the community to develop the pathway to negotiate a Treaty or Treaties.

Labor believes the Aboriginal Affairs portfolio should be located within the Department of Premier and Cabinet. This will allow the NSW Government to address issues affecting Aboriginal people and communities across NSW, including:

- Opportunities for job creation and Aboriginal-owned small businesses;
- Participation in decision-making processes;
- Access to health services;
- Interactions with the justice system;
- Environmental management; and
- The protection and promotion of Aboriginal culture and heritage.

Moving the Aboriginal Affairs portfolio will:

- Allow the NSW Government to take a whole-of-government approach to issues relevant to Aboriginal people and communities; and
- Provide a central point of coordination for initiatives such as the development of a pathway for negotiation of a Treaty or Treaties with the First Peoples of NSW.

Labor will move Aboriginal Affairs to the heart of Government

Labor will move the Aboriginal Affairs portfolio to the Department of Premier and Cabinet.

The Liberals and Nationals moved Aboriginal Affairs to the Department of Education in 2015.
Labor will invest $4 million to support the NSW Aboriginal Education Consultative Group

Labor will invest $4 million over four years to support the NSW Aboriginal Education Consultative Group.

The NSW Aboriginal Education Consultative Group is a not-for-profit Aboriginal organisation which provides advice and services relevant to education and training.

The NSW Aboriginal Education Consultative Group has a grassroots, community-based structure which includes 20 regional and 147 local groups located across NSW.

The NSW Aboriginal Education Consultative Group’s programs include:

- STEM (Science, Technology, Engineering and Mathematics) Camps for Aboriginal students;
- Programs which connect Aboriginal students with their language and culture; and
- Programs which help people make informed choices about their health and nutrition.

Labor’s investment of $4 million will allow the NSW Aboriginal Education Consultative Group to:

- Expand their programs; and
- Provide further advice on matters relating to Aboriginal education and training in NSW.

Labor will invest $4 million to support the Girls Academy program

Labor will invest $4 million over four years to support the Girls Academy program.

The Girls Academy program is an initiative of Role Models and Leaders Australia. The program empowers Aboriginal girls through:

- Leadership training;
- Mentoring;
- Sport; and
- Extra-curricular programs.

There are currently Girls Academies located across NSW in areas including Tamworth, the Hunter, Kemspey and the Central West.¹

In 2018, the Liberals and Nationals announced $4 million in funding for the Clontarf Foundation, an organisation which provides education and life skills programs to Aboriginal boys.²

However, the Liberals and Nationals neglected to provide any funding for an equivalent program to benefit Aboriginal girls.

Labor will rectify the Liberals and Nationals’ neglect of Aboriginal girls by providing $4 million for the Girls Academy program.
When you find a cheap pair of fashionable shoes there is a sense On a hot, dry day in March 2018, 20 separate wildfires ignited across the Bega Valley in New South Wales.

One fire that began at Reedy Swamp north of the town of Bega tore through close to 1,000 hectares before reaching the beachside township of Tathra.

Six months on, a forest of bare, blackened trees frames the town, where more than 100 homes were destroyed or damaged.

But on a small patch of bushland on the south-western edge of Tathra, a patch of green shows where the fire came to a halt.

The land is part of 71 hectares owned by the Bega Local Aboriginal Land Council (LALC) at Tathra West.

The title to the land was transferred in 2016, 17 years after it was granted to the Bega LALC under the Aboriginal Land Rights Act process.

In 2017, the Bega LALC began a cultural burning program as part of the management strategy for their landholdings.

With training and support from the Far South Coast Rural Fire Service (RFS) and local RFS volunteers, the cultural burn crew prepared and burnt 3.5 hectares of land at Tathra West using methods informed by traditional knowledge.

Six months on from the 2018 wildfire, the land where cultural burns were undertaken in 2017 is sprouting with native grasses, in stark contrast to the scorched trees and dense bracken that mark the surrounding landscape.
NSW is the only state in Australia without standalone legislation to protect Aboriginal cultural heritage.

The current laws of NSW are outdated, with Aboriginal cultural heritage dealt with under laws designed to protect flora and fauna.

Aboriginal cultural heritage requires dedicated legislation. Where the *Heritage Act 1977* (NSW) is primarily concerned with protecting buildings and preserving historic sites, Aboriginal heritage is formed by a living culture that includes people, places, languages and the environment.

A reform process to develop dedicated legislation for Aboriginal cultural heritage in NSW has been underway since 2011, however the Liberals and Nationals have never introduced a Bill to Parliament.

Aboriginal places of deep significance such as the Butterfly Cave, a sacred women’s place at West Wallsend, are under threat due to the Liberals and Nationals’ approach to Aboriginal cultural heritage.

**Labor will deliver an Aboriginal Cultural Heritage Act to protect and promote Aboriginal cultural heritage**
Labor will empower Aboriginal communities to play a greater role managing National Parks

Labor will empower Aboriginal communities to play a greater role managing National Parks across NSW.

Labor will work with local Aboriginal communities to identify opportunities for Aboriginal people to be involved in activities including:

• Environmental management;
• Heritage and conservation works; and
• Education and support for visitors.

Labor will invest $100,000 for the Arakwal Cultural Centre in Byron Bay

Labor will invest $100,000 for the long awaited masterplan for an Arakwal Cultural Centre in Byron Bay.

The Arakwal Cultural Centre will:

• Celebrate and promote the culture of the Arakwal people;
• Create local jobs; and
• Help local residents and tourists to learn and experience the traditions of the Arakwal people.
Labor will appoint an Aboriginal Child and Family Advocate

Labor will appoint an Aboriginal Child and Family Advocate.

The Aboriginal Child and Family Advocate will be an advocate for the interests of Aboriginal children and families.

The Aboriginal Child and Family Advocate will be modelled on the existing Office of the Advocate for Children and Young People.

The Aboriginal Child and Family Advocate will hold an independent statutory office and will be assisted by dedicated staff.

The Aboriginal Child and Family Advocate will:

• Make recommendations to Parliament, government agencies and non-government organisations in relation to legislation, policies, practices and services which affect Aboriginal children and families;

• Promote Aboriginal children and families’ participation in decision-making processes which affect them;

• Conduct research into issues which affect Aboriginal children and families; and

• Hold inquiries into issues which affect Aboriginal children and families.

Labor will invest $2 million over four years to deliver this commitment.

The Liberals and Nationals have ruled out introducing a dedicated Aboriginal Child and Family Advocate.³

Labor believes a dedicated Aboriginal Child and Family Advocate is necessary to:

• Ensure Aboriginal children and families receive attention and are not ignored; and

• Effectively address the unique issues Aboriginal children and families face, including:
  
  o Access to services in rural and remote locations; and
  
  o The legacy of mistreatment of Aboriginal children and families by government and non-government organisations.
**Labor will provide $4.5 million for Justice Reinvestment**

The number of Aboriginal people in prison has increased by 35 per cent since the Liberals and Nationals were elected in 2011.4

Aboriginal people make up around 3.5 per cent of the population of NSW, however they account for 24 per cent of the NSW prison population.5

Labor will support the trial of justice reinvestment strategies. These strategies:

- Allocate resources for prevention and early intervention; and
- Focus on developing communities to address the underlying causes of crime.

Labor will invest $4.5 million over two years to:

- Fund non-government organisations to undertake three trials of justice reinvestment strategies; and
- Establish a unit within the Department of Justice to:
  - Coordinate the NSW Government’s justice reinvestment initiatives;
  - Undertake and publish research; and
  - Evaluate reinvestment initiatives in NSW and other jurisdictions.

**Labor will establish the Walama Court**

Labor will establish the Walama Court – a specialist court for Indigenous offenders in the jurisdiction of the District Court.

The Walama Court will involve community participation to improve the supervision of offenders. Community supervision will increase compliance with court orders and reduce recidivism.

The Liberals and Nationals proposed introducing the Walama Court in 2015, but then declined to provide any money to proceed with the program.6

The introduction of the Walama Court is supported by the Bar Association and the Police Association.7

In October 2018, Labor introduced the Justice Legislation Amendment (Walama Court) Bill 2018 to establish the Walama Court.

A Daley Labor Government will proceed with establishing the Walama Court.

**Labor will support Aboriginal legal services**

Labor will continue reviews of legal assistance provided to Aboriginal people which are currently underway.

There will be no reduction in funding for Aboriginal legal services under Labor.

Labor will continue funding for the Compulsory Notification Service as a priority.
Labor will invest up to $3 million to establish a Myall Creek Massacre Education and Cultural Centre

Labor will provide up to $3 million to help establish an education and cultural centre at the historic Myall Creek massacre site in northern NSW.

Labor’s investment will support one of the most significant reconciliation projects in NSW.

Labor’s investment will be provided over four years to:

- Enable plans to be finalised for the centre;
- Prepare an updated business plan;
- Undertake preliminary construction works at the site;
- Provide funding to hire a project officer to oversee the project; and
- Assist with the establishment of a permanent foundation to ensure its long-term future to attract further support from public and philanthropic bodies.

In June 1838, a group of 12 white men murdered a group of 28 unarmed Aboriginal men, women and children who were camping at the Myall Creek cattle station.

Eleven of the 12 were charged with murder. Initially, they were found not guilty. Seven were re-arrested and tried again; subsequently, they were found guilty and hanged on December 18, 1838.

The Myall Creek memorial marks the first time and only time during the colonial period that white men were prosecuted for the massacre of Indigenous people.

In 2000, a Myall Creek memorial was set up “in an act of reconciliation and in acknowledgement of the truth of our shared history”.

The annual service brings together descendants of the victims, survivors and perpetuators. Each year since, they have come together to mark the events and to reconcile.

In 2008, the site and memorial were included on the national heritage register and two years later, it was added to the State heritage register.
Labor will make a formal apology to victims of state sanctioned massacres in NSW

Labor will make a formal apology for state-sanctioned massacres of Aboriginal people.

Research by Newcastle University has identified at least 83 massacres in NSW between 1788 and 1930. Approximately 2,682 Aboriginal people were killed in these massacres.8 In 2013, the Friends of Myall Creek put forward the case for a formal apology from the NSW Government, however no action has been taken.9

Labor will deliver an apology for state-sanctioned massacres of Aboriginal people. Labor will consult extensively with Aboriginal people to develop the wording of the apology.

A well-documented massacre occurred at Appin in April 1816. On 10 April 1816, Governor Lachlan Macquarie wrote:

“I have directed as many Natives as possible to be made Prisoners, with the view of keeping them as Hostages until the real guilty ones have surrendered themselves, or have been given up by their Tribes to summary Justice. — In the event of the Natives making the smallest show of resistance - or refusing to surrender when called upon so to do - the officers Commanding the Military Parties have been authorized to fire on them to compel them to surrender; hanging up on Trees the Bodies of such Natives as may be killed on such occasions, in order to strike the greater terror into the Survivors.” 10

Near Broughton’s Farm in Appin on 17 April 1816, this order resulted in the deaths of at least 14 Aboriginal people.11 The number of men, women and children who lost their lives fleeing over the adjacent cliffs is unknown.
Labor will support the Shalom Gamarada Indigenous Scholarship Program

Labor will fund up to six scholarships for Indigenous medical doctors through the Shalom Gamarada Indigenous Scholarship Program.

Shalom Gamarada is a successful program sponsored by Sydney’s Jewish community and Shalom College at the UNSW.

The program assists Australian Indigenous students to pursue university study, particularly in the field of medicine. The program achieves this by providing residential scholarships to Indigenous students at the University of New South Wales’ Shalom College, the Jewish residential college.

The program takes its name from:
- The Hebrew word for “peace”; and
- The Eora word for “friend” or “comrade”.

Only 270 of the 86,000 medical practitioners in Australia identify as Indigenous.

The program was co-founded in 2005 by Ms Ilona Lee, AM, and Professor Lisa Jackson-Pulver, AM. The program’s first graduate was Dr Beth Kervin in 2009.

As of July 2018, there have been 41 graduates, including 23 doctors, one optometrist, one exercise physiologist and one social worker.

Currently, there are 23 Shalom Gamarada students living at Shalom College and nine of them are studying medicine.

In total, 94 Indigenous students have benefitted from the program in the past 13 years.

Labor will invest $480,000 over four years to fund scholarships which are worth $20,000 per student per year.
**Labor will return Me-mel (Goat Island) to the Aboriginal people of NSW**

Me-mel is an island in Sydney Harbour near Balmain.

Following the arrival of Europeans, Me-mel became known as Goat Island.

For most of the 20th Century, the island was used as a shipyard.

In 1993, Me-mel became part of the Sydney Harbour National Park. It is currently managed by the National Parks and Wildlife Service.

Labor will hand Me-mel back to the Aboriginal people of NSW.

**Labor will establish a First Peoples Day**

Labor will consult with the community to designate a new public holiday to recognise the First Peoples of NSW.

The First Peoples Day will provide opportunities to:

- Recognise Aboriginal history;
- Celebrate Aboriginal culture;
- Raise awareness of Aboriginal issues among non-Aboriginal people; and
- Take steps toward reconciliation.
Labor will fly the Aboriginal Flag on the Sydney Harbour Bridge 365 days a year

Labor will fly the Aboriginal Flag on the Sydney Harbour Bridge every day of the year.

Currently, the Aboriginal Flag only flies on top of the Sydney Harbour Bridge for 15 days a year:

- NAIDOC Week;
- Reconciliation Week; and
- Australia Day.12

Kamilaroi woman Cheree Toka started an online petition to have the Aboriginal Flag fly permanently on top the Sydney Harbour Bridge. The petition attracted more than 86,000 signatures.13

Labor’s commitment will ensure that Aboriginal people are recognised on one of the most visible and recognisable symbols of Australia every day of the year.

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Labor will empower Aboriginal people and communities across NSW.