

NEW SOUTH WALES
DRAFT GOVERNMENT BILL

Aboriginal Languages Bill 2017

Explanatory note

Overview of Bill

The objects of this Bill are:

- (a) to recognise that language is intrinsic to the culture and identity of Aboriginal people and to the intangible cultural heritage of all of the people of New South Wales, and
- (b) to recognise the rights of Aboriginal people and communities to learn and maintain Aboriginal languages, and
- (c) to require the Minister to prepare a strategic plan for the survival and revival of Aboriginal languages, and
- (d) to establish the Centre for Aboriginal Languages of New South Wales to assist the Minister in achieving a focussed, coordinated and sustained effort in the revival, maintenance, development and sustainability of Aboriginal languages.

Outline of provisions

Part 1 Preliminary

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent to the proposed Act.

Clause 3 sets out the objects of the proposed Act.

Clause 4 defines certain words and expressions used in the proposed Act.

Part 2 Strategic plan

Clause 5 requires the Minister to prepare a strategic plan for the revival and protection of Aboriginal languages.

Clause 6 requires the Minister to conduct a review of the strategic plan and prepare a report identifying whether the objects of the plan have been satisfied.

Clause 7 provides that a report prepared under the proposed Act is required to be tabled in both Houses of Parliament.

Part 3 Revival, maintenance, development and sustainability of Aboriginal languages of New South Wales

Clause 8 sets out the objective of Part 3 of the proposed Act.

Clause 9 grants the Minister functions for the purposes of providing a focussed, coordinated and sustained effort in the revival, maintenance, development and sustainability of Aboriginal languages.

Clause 10 establishes, within Aboriginal Affairs, Department of Education, the Centre for Aboriginal Languages of New South Wales to assist the Minister.

Part 4 Miscellaneous

Clause 11 allows the Minister to delegate functions under the proposed Act.

Clause 12 enables the Governor to make regulations for the purposes of the proposed Act.

Clause 13 provides for the review of the proposed Act 5 years after its commencement.

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public consultation draft

NEW SOUTH WALES
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Aboriginal Languages Bill 2017

No. , 2017

A Bill for

An Act to recognise, revive and protect the languages of the traditional custodians and occupants of the land in the State of New South Wales; to establish the Centre for Aboriginal Languages of New South Wales; and for other purposes.

The Legislature of New South Wales enacts:

Part 1 Preliminary

1 Name of Act

This Act is the *Aboriginal Languages Act 2017*.

2 Commencement

This Act commences on the date of assent to this Act.

3 Recognition of Aboriginal languages

- (1) In enacting this Act, Parliament recognises:
 - (a) that language is intrinsic to the culture and identity of Aboriginal people and to the intangible cultural heritage of all of the people of New South Wales, and
 - (b) the rights of Aboriginal people and communities to learn and maintain Aboriginal languages, and
 - (c) the role of the New South Wales Government in recognising, protecting and reviving Aboriginal languages.
- (2) In enacting this Act, Parliament acknowledges the need to take action:
 - (a) to revive and protect Aboriginal languages, and
 - (b) to prevent the further loss of Aboriginal languages, and
 - (c) to ensure the survival of Aboriginal languages.

4 Definitions

- (1) In this Act:

Aboriginal language means a language, or dialect of a language, of the traditional custodians and occupants of the land in the State of New South Wales.

function includes a power, authority or duty, and **exercise** a function includes perform a duty.

strategic plan means the plan for the revival and protection of Aboriginal languages prepared under section 5.

Note. The *Interpretation Act 1987* contains definitions and other provisions that affect the interpretation and application of this Act.
- (2) Notes included in this Act do not form part of this Act.

Part 2 Strategic plan

5 Strategic plan for revival and protection of Aboriginal languages

- (1) The Minister is to cause a strategic plan to be prepared for the revival and protection of Aboriginal languages.
- (2) The strategic plan is to make provision for the following:
 - (a) targeting of funding and investment for the protection and revival of Aboriginal languages,
 - (b) structures, programs and mechanisms to promote and encourage the use of Aboriginal languages,
 - (c) enhancement of Aboriginal language revival programs,
 - (d) public, private and community partnerships to deliver Aboriginal language revival programs,
 - (e) any other matter that the Minister considers appropriate to give effect to the revival and protection of Aboriginal languages.
- (3) The Minister is required to prepare a new strategic plan every 5 years.
- (4) The Minister is to cause a copy of the strategic plan to be published on a publicly accessible website.

6 Review of implementation of strategic plan

The Minister is to conduct a review of the implementation of the strategic plan each year and to prepare a report to identify whether the objects of the strategic plan have been satisfied.

7 Tabling of plan and reports

- (1) The Minister is to lay (or cause to be laid) before both houses of Parliament a copy of the report on the implementation of the strategic plan as soon as practicable after the report has been prepared.
- (2) If a House of Parliament is not sitting when the Minister seeks to lay the report before it, the Minister may present copies of the report to the Clerk of the House concerned.
- (3) The report:
 - (a) is, on presentation and for all purposes, taken to have been laid before the House, and
 - (b) may be printed by authority of the Clerk of the House, and
 - (c) if so printed, is for all purposes taken to be a document published by or under the authority of the House, and
 - (d) is to be recorded:
 - (i) in the case of the Legislative Council, in the Minutes of the Proceedings of the Legislative Council, and
 - (ii) in the case of the Legislative Assembly, in the Votes and Proceedings of the Legislative Assembly,on the first sitting day of the House after receipt of the report by the Clerk.

Part 3 Revival, maintenance, development and sustainability of Aboriginal languages of New South Wales

8 Objective

The objective of this Part is to provide a focussed, coordinated and sustained effort in the revival, maintenance, development and sustainability of Aboriginal languages.

9 Functions of Minister

For the purpose of achieving the objective of this Part, the Minister has the following functions:

- (a) to bring together specialists to offer multi-disciplinary advice and direction for Aboriginal language revival efforts in New South Wales,
- (b) to adapt and promote effective methods of Aboriginal language revival,
- (c) to identify priorities for revival efforts,
- (d) to provide funding for, and co-ordinate investment in, Aboriginal language revival activities,
- (e) to promote education and employment opportunities in Aboriginal language revival,
- (f) to provide advice and recommendations in relation to the revival of Aboriginal languages,
- (g) to develop resources for the revival, recording and transmission of Aboriginal languages,
- (h) to provide funding for community language initiatives,
- (i) to foster the use and appreciation of Aboriginal languages.

10 Centre for Aboriginal Languages of New South Wales

The Centre for Aboriginal Languages of New South Wales is established within Aboriginal Affairs, Department of Education to assist the Minister in achieving the objective of this Part.

Part 4 Miscellaneous

11 Delegation

- (1) The Minister may delegate to an authorised person the exercise of any function of the Minister under this Act, other than this power of delegation.
- (2) In this section, *authorised person* means:
 - (a) any person employed in the Centre for Aboriginal Languages of New South Wales, and
 - (b) any other person employed in the Public Service.

12 Regulations

The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act.

13 Review of Act

- (1) The Minister is to review this Act to determine whether the policy objectives of the Act remain valid and whether the terms of the Act remain appropriate for securing those objectives.
- (2) The review is to be undertaken as soon as possible after the period of 5 years from the commencement of this Act.
- (3) A report on the outcome of the review is to be tabled in each House of Parliament within 12 months after the end of the period of 5 years.