



Procedure and Privileges Committee

Acknowledgement of Country

Report No. 1
November 2017

Legislative Assembly
Parliament of Western Australia

Committee Members

Chair	Hon Peter Watson, MLA Speaker of the Legislative Assembly Member for Albany
Deputy Chair	Ms Lisa Baker, MLA Member for Maylands
Members	Mr Ian Blayney, MLA Member for Geraldton Mr Kevin Michel, MLA Member for Pilbara Mr Peter Rundle, MLA Member for Roe

Committee Staff

Principal Research Officer	Dr Isla Macphail, BA (Hons), MPhil, PhD
Advisers	Ms Kirsten Robinson, BA (Hons), MA Clerk of the Legislative Assembly Mr Scott Nalder, BJuris (Hons), LLB, BCL Deputy Clerk of the Legislative Assembly

Legislative Assembly
Parliament House
4 Harvest Terrace
WEST PERTH WA 6005

Tel: (08) 9222 7219

Email: lappc@parliament.wa.gov.au
Website: www.parliament.wa.gov.au

**Published by the Legislative Assembly, Parliament of Western Australia, Perth.
November 2017.**

ISBN: 978-1-925116-99-1.

(Series: Western Australia. Parliament. Legislative Assembly. Committees.
Procedure and Privileges Committee. Report 1.)

328.365

Procedure and Privileges Committee

Acknowledgement of Country

Report No. 1

Presented by

Ms Lisa Baker, MLA

Deputy Speaker of the Legislative Assembly

Laid on the Table of the Legislative Assembly on 21 November 2017

Recommendations

Recommendation 1

That the Legislative Assembly provide for an Acknowledgement of Country in the Standing Orders by deleting Standing Orders 20, 21 and 22 and substituting the following:

Acknowledgement of Country and Prayers

20. The Speaker will take the Chair on every day fixed for the meeting of the Assembly at the appointed time. The Speaker will say an Acknowledgement of Country to commence proceedings and will then say prayers.

Assembly adjourned for lack of quorum

21. If there is no quorum fifteen minutes after the commencement of proceedings, the Speaker may adjourn the Assembly to the next sitting day. The names of the members present are recorded in the Votes and Proceedings.

Lack of quorum

22. (1) If any member takes notice and the Speaker confirms that a quorum is not present—
- (a) The bells will be rung during which time the doors of the Chamber will remain unlocked.
 - (b) The Speaker will count the Assembly and when a quorum is formed business will resume.
 - (c) No member will leave the Chamber while the bells are ringing.
 - (d) If there is no quorum within two minutes of the bells commencing, the Speaker will adjourn the Assembly, without a question put, until the next sitting day.
 - (e) The members present will be recorded in the Votes and Proceedings.
 - (f) Not less than fifteen minutes will elapse between calls for a quorum.

(2) If the Tellers' report of a division shows there is no quorum, the Speaker will adjourn the Assembly, without a question put, until the next sitting day and no decision of the Assembly will have been reached by that division.

Recommendation 2

That the Acknowledgement of Country take the following form:

The Legislative Assembly is honoured to be situated on the ancestral lands of the Whadjuk Noongar people. We acknowledge the First Australians as the traditional owners of the lands we represent and pay respect to their Elders both past and present.

Recommendation 3

That the Acknowledgement of Country be introduced for the first sitting day of the 2018 autumn session.

Acknowledgment of Country

Introduction

Among the first matters to be considered by the newly appointed Legislative Assembly Procedure and Privileges Committee (the Committee) of the 40th Parliament were initiatives that would assist the Legislative Assembly to become more open, inclusive and respectful as a representative forum.

During deliberations, the Committee noted that almost all the newly elected Legislative Assembly Members, as well as some of the returning Members, had prefaced their first speech in the House with an Acknowledgement of Country: either acknowledging the Whadjuk Noongar people on whose land or 'boodja' the Parliament is situated, and/or acknowledging the Aboriginal people whose land they represented in the Parliament.¹

An Acknowledgement of Country has been represented by Reconciliation Australia as:

... an opportunity for anyone to show respect for Traditional Owners and the continuing connection of Aboriginal and Torres Strait Islander peoples to Country. It can be given by both non-Indigenous people and Aboriginal and Torres Strait Islander people ... Similar to a Welcome to Country, an Acknowledgement of Country is generally offered at the beginning of a meeting, speech or formal occasion.²

Reconciliation Australia has underlined the important role an Acknowledgement of Country performs:

Aboriginal and Torres Strait Islander peoples have experienced a long history of exclusion from Australian history books, the Australian flag, the Australian anthem and for many years, Australian democracy. This history of dispossession and colonisation lies at the heart of the disparity between Aboriginal and Torres Strait Islander and non-Indigenous Australians today. Including recognition of Aboriginal and Torres Strait Islander people in events, meetings and national symbols is one part of ending the exclusion that has been so damaging. Incorporating welcoming and acknowledgement protocols into official meetings and events recognises Aboriginal and Torres Strait Island peoples as the First Australians and Traditional Custodians of land. It promotes an ongoing

¹ A number of returning Members had made an Acknowledgement of Country in their inaugural speech at the commencement of previous Parliaments.

² Reconciliation Australia, *Welcome to and Acknowledgement of Country*, viewed 17 November 2017, <https://www.reconciliation.org.au/wp-content/uploads/2016/05/Welcome-to-and-Acknowledgement-of-Country.pdf>.

connection to place of Aboriginal and Torres Strait Islander Australians and shows respect for Traditional Owners.³

The Committee noted that in recent years all parliamentary jurisdictions in Australia, with the exception of Western Australia, had incorporated an Acknowledgement of Country into their parliamentary proceedings. The Committee reflected, however, that within the past three years, the Western Australian Parliament had passed legislation to recognise in the Preamble to the State's *Constitution Act 1889* that:

... the Parliament resolves to acknowledge the Aboriginal people as the First People of Western Australia and traditional custodians of the land, [and] the said Parliament seeks to effect a reconciliation with the Aboriginal people of Western Australia ...⁴

Further, the Parliament of Western Australia in the *Noongar (Koorah, Nitja, Boordahwan) (Past, Present, Future) Recognition Act 2016* had formally recognised and honoured 'the Noongar people as the traditional owners of the Noongar lands' and had paid tribute to: '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'.⁵

In the Committee's view, the time has come for the Legislative Assembly to extend this respectful acknowledgement of Aboriginal people as the traditional owners of the land to the daily sittings of the House.

Approach by the Committee

The Committee consulted with all Australian parliamentary jurisdictions as to the frequency and order of their Acknowledgement of Country, the form of wording used, and whether the Acknowledgement was provided for in Standing Orders. There was significant variation across the jurisdictions, as the following table indicates:

³ Reconciliation Australia, *Welcome to and Acknowledgment of Country*.

⁴ *Constitution Amendment (Recognition of Aboriginal People) Act 2015*, s. 4(2).

⁵ *Noongar (Koorah, Nitja, Boordahwan) (Past, Present, Future) Recognition Act 2016*, s.5.

Acknowledgement of Country – Australian Parliaments

LEGISLATURE	S.O.	WHEN	FORM OF WORDS
House of Representatives	38	Each sitting day before prayers.	'I acknowledge the Ngunnawal and Ngambri peoples, who are the traditional custodians of the Canberra area, and pay respect to the elders past and present of all Australia's indigenous peoples.'
Senate	50	Each sitting day after prayers.	As above.
NSW Legislative Assembly	39 (2)	Each sitting day after prayers.	'We acknowledge the Traditional Owners, the Gadigal People of the Eora Nation. We also acknowledge the Traditional Owners of the lands we represent and thank them for their custodianship of Country.'
NSW Legislative Council	–	Tuesday at the start of each sitting week, after prayers.	'I acknowledge the Gadigal clan of the Eora Nation and its elders, and thank them for their custodianship of this land.'
Victoria Legislative Assembly	–	First day of each sitting week after prayers.	'I acknowledge the Traditional Owners of the land on which we are meeting. I pay my respects to their Elders, past and present, and the Elders from other communities who may be here today.'
Victoria Legislative Council	–	As above.	'On behalf of the Victorian state Parliament I acknowledge the Aboriginal peoples, the traditional custodians of this land which has served as a significant meeting place of the first people of Victoria. I acknowledge and pay respect to the elders of the Aboriginal nations in Victoria, past and present, and welcome any elders and members of the Aboriginal communities who may visit or participate in the events or proceedings of the Parliament this week.'
Queensland Legislative Assembly	–	First day of each sitting week after prayers.	'Honourable Members, for this week's sitting, I respectfully acknowledge the Traditional Custodians of the land upon which this Parliament is assembled.'

Acknowledgement of Country – Australian Parliaments

LEGISLATURE	S.O.	WHEN	FORM OF WORDS
South Australia Legislative Assembly	–	Each sitting day after prayers.	'I respectfully acknowledge the traditional owners of this land upon which this Parliament is assembled and the custodians of the sacred lands of our State.'
South Australia Legislative Council	–	As above.	'We acknowledge Aboriginal and Torres Strait Islander peoples as the traditional owners of this country throughout Australia, and their connection to the land and community. We pay our respects to them and their cultures, and to the elders both past and present.'
Tasmania Legislative Assembly	33	At the commencement of the following sitting days: (a) The first day after an election; (b) The first day of sitting for the calendar year; (c) The first day of the budget sittings; and (d) The first day of the Spring sittings.	'We acknowledge the traditional people of the land upon which we meet today, the Mouheneener people.'
Tasmania Legislative Council	–	As above.	As above.
Northern Territory Legislative Assembly	Sessional Order 6	Each sitting day after prayers.	'We acknowledge the traditional Aboriginal owners of the land on which this Assembly is assembled, the Larrakia people. We also acknowledge the traditional owners of the sacred lands we represent and thank them for their custodianship of country. We pay our respects to the traditional owners and their cultures, and to the elders both past and present, and other elders from other communities who may be here today.'
ACT Legislative Assembly	30	First day of each sitting period, before the prayer or reflection.	'Members – At this beginning of this sitting of the Assembly I acknowledge that we are meeting on the lands of the Ngunnawal people, the traditional custodians. I respect their continuing culture and the unique contribution they make to the life of this area. I would ask you to stand in silence and pray or reflect on our responsibilities to the people of the Australian Capital Territory.'

Members of the Committee were authorised to take the comparative table to their party rooms and seek feedback as to whether Legislative Assembly Members supported the adoption of an Acknowledgment of Country and, if this were the case, whether there were any suggestions as to the form of words to be used.

Following a positive response from Legislative Assembly Members for the incorporation of an Acknowledgement of Country, the Committee resolved to consult with expert counsel from the Noongar community as to the most appropriate and respectful way to progress the matter. The Chair of the Committee wrote to Dr Robert Isaacs AM JP, who in addition to being highly esteemed for his long-standing commitment to improving Aboriginal affairs, had also conducted a very heartfelt and dignified Welcome to Country ceremony for the Parliament in 2016.

Dr Isaacs, and fellow Aboriginal Elder Ms Sandra Harben, met with the Committee Chair and provided an informative briefing on Acknowledgement of Country protocols, and proposed a range of options for a form of wording for the Acknowledgement.

The Chair reported back to the Committee, which resolved to recommend that the Standing Orders be amended to provide for an Acknowledgment of Country to be made by the Speaker on each sitting day before prayers. As a procedural aside, to enable this amendment to be effected with minimal disruption to the existing Standing Orders, the Committee recommended merging Standing Orders 21 and 22, which deal respectively with the conduct of quorums during debate and divisions. This merger would create space for Standing Order 21 to deal specifically with an adjournment at the commencement of proceedings due to a lack of quorum, which, in turn, would create space within existing Standing Order 20 for a reference to Acknowledgement of Country to be incorporated. There are no changes to the conduct of quorums through these amendments.

Given the words of the prayers read by the Speaker are not incorporated into the existing Standing Orders, the Committee similarly decided against recommending the incorporation of the words of the Acknowledgement into the Standing Orders. The Committee did, however, recommend a form of wording to be used, based on the advice received from Dr Isaacs and Ms Harben. These recommendations were taken to the party rooms and were supported by Legislative Assembly Members.

Following feedback from Legislative Assembly Members, the recommended form of wording for the Acknowledgement is as follows:

The Legislative Assembly is honoured to be situated on the ancestral lands of the Whadjuk Noongar people. We acknowledge the First Australians as the traditional owners of the lands we represent and pay respect to their Elders both past and present.

Conclusion

The Committee is honoured to recommend that the Legislative Assembly introduce an Acknowledgement of Country into its daily sitting proceedings and wishes to record its appreciation to Dr Isaacs and Ms Harben for their expert counsel in facilitating this matter.

Recommendations

Recommendation 1

That the Legislative Assembly provide for an Acknowledgement of Country in the Standing Orders by deleting Standing Orders 20, 21 and 22 and substituting the following:

Acknowledgement of Country and Prayers

20. The Speaker will take the Chair on every day fixed for the meeting of the Assembly at the appointed time. The Speaker will say an Acknowledgement of Country to commence proceedings and will then say prayers.

Assembly adjourned for lack of quorum

21. If there is no quorum fifteen minutes after the commencement of proceedings, the Speaker may adjourn the Assembly to the next sitting day. The names of the members present are recorded in the Votes and Proceedings.

Lack of quorum

22. (1) If any member takes notice and the Speaker confirms that a quorum is not present—
- (a) The bells will be rung during which time the doors of the Chamber will remain unlocked.
 - (b) The Speaker will count the Assembly and when a quorum is formed business will resume.
 - (c) No member will leave the Chamber while the bells are ringing.
 - (d) If there is no quorum within two minutes of the bells commencing, the Speaker will adjourn the Assembly, without a question put, until the next sitting day.
 - (e) The members present will be recorded in the Votes and Proceedings.

(f) Not less than fifteen minutes will elapse between calls for a quorum.

(2) If the Tellers' report of a division shows there is no quorum, the Speaker will adjourn the Assembly, without a question put, until the next sitting day and no decision of the Assembly will have been reached by that division.

Recommendation 2

That the Acknowledgement of Country take the following form:

The Legislative Assembly is honoured to be situated on the ancestral lands of the Whadjuk Noongar people. We acknowledge the First Australians as the traditional owners of the lands we represent and pay respect to their Elders both past and present.

Recommendation 3

That the Acknowledgement of Country be introduced for the first sitting day of the 2018 autumn session.



Hon Peter Watson, MLA
Chair of the Committee
21 November 2017

Appendix One

Committee's Functions and Powers

Legislative Assembly Standing Order No. 284 provides the following functions, powers and terms of reference to the Procedure and Privileges Committee —

Procedure and Privileges Committee

284. (1) A Procedure and Privileges Committee will be appointed at the beginning of each Parliament to —

- (a) examine and report on the procedures of the Assembly; and
- (b) examine and report on issues of privilege; and
- (c) wherever necessary, confer with a similar committee of the Council.

(2) Membership of the committee will consist of the Speaker and four other members as the Assembly appoints.

(3) Standing Order 278 will apply except that where possible any report of the committee will be presented by the Deputy Speaker.

(4) When consideration of a report from the committee is set down as an order of the day it will be considered using the consideration in detail procedure.