

Hon Simon O'Brien; Hon Stephen Dawson; Hon Colin Tincknell; Hon Robin Chapple; Hon Diane Evers; Hon Tjorn Sibma; Hon Alannah MacTiernan; Hon Colin Holt; Hon Peter Collier; Hon Martin Aldridge; Hon Alison Xamon; Hon Aaron Stonehouse; Hon Nick Goiran; Hon Jacqui Boydell; Hon Kyle McGinn; Hon Robin Scott

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*Forty-sixth Report — “Acknowledgement of Country” — Recommendations 1 and 2 — Motion*

**Hon SIMON O'BRIEN** — without notice: I move —

- (1) That the Legislative Council adopts the following form of words for a Legislative Council acknowledgement of country —

This House acknowledges and honours the traditional owners of the ancestral lands upon which we meet today—the Whadjuk Noongar people—and pays its respects to their Elders both past and present.

- (2) That Standing Order 14(1) be amended as follows —

To delete paragraph (a) and insert —

- (a) acknowledgement of country and prayers;

This motion gives effect to the recommendations of the forty-sixth report of the Legislative Council Standing Committee on Procedure and Privileges. That report was presented to the house by you, Madam President, last November. Members have no doubt read that report but may wish to reacquaint themselves with it. This report touches on an important and sensitive matter. The report details how the committee came to investigate this matter in the first place. We were following on from a prerogative of the Legislative Assembly, which has contemplated this matter through its Standing Committee on Procedure and Privileges and has embarked on a particular course of action. The report acknowledges that the committee was provided with further information from the Legislative Assembly about its exploration of this issue, and we thank it for that. The report of the committee is self-explanatory. I know members are taking a keen interest in that report, so I do not intend to repeat what many members are re-reading at this time. However, I wish to provide some guidance to the Committee of the Whole about how it might wish to view this matter.

First, the recommendations of the Standing Committee on Procedure and Privileges form the basis for the consideration of this matter by this chamber. The motion that I have moved without notice is based on the recommendations of the committee and therefore provides a forum and framework for this debate. It is not necessarily a given that the chamber will adopt the committee's recommendations or any part of them. I remind members that it is entirely in their hands, as a collective body, to make whatever determination the chamber determines to make. That will ultimately necessitate an amendment to the standing orders of this chamber, which will, of course, require a majority of members to be in agreement. I think it has been the case, certainly in recent years, that the chamber contemplates matters such as this with a view to obtaining a consensus that is respectful of all points of view, while seeking to move ahead with the job at hand. The recommendations of the committee are now before the chamber, and it falls to members to contemplate whether they want to agree to those recommendations, move to amend them, or reject them outright.

The report states in paragraph 4 that all 36 members of the Legislative Council were surveyed and asked some simple questions. The survey form is reproduced in appendix 1 of the report. Paragraph 4.2 at page 2 of the report refers to the results of the survey and states in part —

... 74 per cent of Members supported the reading of an acknowledgment of country at the commencement of each sitting day, and 61 per cent of Members were in favour of reading an acknowledgement of country before the reading of the Council prayer and the Lord's Prayer. 87 per cent of respondents preferred that the acknowledgement be in English.

I draw members' attention to paragraph 4.1 of the report, which states that only 27 of the 36 members of the Legislative Council responded to the survey. As I have said, the report refers to 74 per cent of members and 61 per cent of members. I do not know what the nine members of the Legislative Council who did not respond to the survey would have had to say, because we have not had the benefit of their input. Therefore, we do not know the view of a significant portion of members of this chamber. I make the following speculation, but I think it is a reasonable speculation. If those members whose surveys are missing—either because they were not completed or because they were lost in the mail—was an expression by those members that they were not interested in pursuing this course of action, that would put the matter in question on a more even playing field, because rather than have 74 per cent of members in support, it could peg out at about 50–50, and the 61 per cent of members in favour of reading an acknowledgement of country before the reading of prayers could be a minority. I do not know whether that would be the case, because the survey results are incomplete. However, the full membership of the chamber is now present so we will find out about that in due course.

I offer this comment as a private member, and also as the Deputy President of this chamber. I note that not only every state Parliament but also the commonwealth Parliament has adopted an acknowledgement of country. That acknowledgement is not always read every day on which the Parliament sits. The report cites the Tasmanian

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example, which is very interesting, because in the Tasmanian Parliament the acknowledgement of country is read on certain specified days but not generally. We are contemplating those same questions today. I say also, not on behalf of the committee but as a private member, that there are often expressions of sentiment about reconciliation. It is a reasonable expectation that if people want to talk about reconciliation, they should walk the walk, as it were. At the same time, we also need to realise that there is a variety of views. I would hope that as a mature society, we can work this through without it becoming controversial.

As you would know, Madam President, the committee went to some pains to come up with a form of words that it considered would be most likely to be accepted by the Legislative Council at large. That remains to be seen. I am sure we will hear from members in a moment about that. The other question is whether the acknowledgement of country should take place up-front at the opening of the parliamentary session or after prayers. The motion that I have moved is a reflection of the only information that we have obtained from the body of the Legislative Council membership—the 61 per cent of members who responded to the survey and said that they would like the acknowledgement to be read before the reading of prayers. I want to make it clear that I have moved that part of the motion, on behalf of the committee, in good faith to give members a framework in which to proceed with this debate. My personal view is that I am not sure that is the best way to go about it. I will need a few moments more in which to conclude, if you would not mind, Madam President.

I draw members' attention to this final point and to appendix 2, and the practice in other Australian jurisdictions, where almost without exception acknowledgment of country occurs after prayers—that is, prayers take precedence. The notable exception is the commonwealth Parliament; but, of course, its ways are a mystery to us in other ways as well. In New South Wales, in both houses, prayers are first. In Victoria, in both houses, prayers are held first. In Queensland, in its one house, prayers are first. The same applies in South Australia, and it is not clear from some of the information what happens in smaller jurisdictions. Other minds have contemplated this as well. There is deemed to be a need to be consistent in how we as a broader society approach this matter, so if we are to do that, perhaps we ought to give considerable weight to the view, as I do personally, that prayers should be the first thing that we focus our minds on, followed then by an acknowledgment of country.

With those words, I hope I have managed to condense some complex matters into a short space. I think they are the issues that we need to confront and hopefully resolve this afternoon.

**The PRESIDENT:** Order! Before I give the call to the deputy leader, I advise members that although Hon Simon O'Brien has moved this motion, which has two parts, when we come to deal with it after everyone has had an opportunity to make a contribution, we will be dealing with each part of the motion separately—so part (1) and then part (2).

**Hon STEPHEN DAWSON:** I am confused. There have been some conversations behind the Chair about an amendment to Hon Simon O'Brien's motion. Do I move it now or when we get to the part that I am proposing be amended?

**The PRESIDENT:** You can speak generally to the motion in front of us, and if you would like to flag your intentions about your amendment, when we get to dealing with the motion, we will put the first question and then when we get to the second question, you can move your amendment at that point and we will deal with it.

**Hon STEPHEN DAWSON:** Thank you for your guidance, Madam President. First of all, I congratulate the work of the Standing Committee on Procedure and Privileges. In 2015, this place passed legislation that incorporated the recognition of Aboriginal people into the state Constitution, which essentially acknowledged Aboriginal people as the traditional custodians of the land. From my perspective, that was a proud day for this place. This chamber, the Legislative Council, has been in operation since 1832, so I am pleased that 186 years after commencing in one form or another, this chamber is again making progress on not only the treatment, but also respect of Aboriginal people in Western Australia.

An acknowledgment of country is a way of not only showing Aboriginal people that we respect their heritage and them as the traditional owners of the land on which we meet, but also recognising their continuing connection to their country, so I am very pleased that we are dealing with this issue this afternoon.

Although what we will arrive at is not the preference of many people in this chamber—I think lots of people share the view that we should be acknowledging country before prayer—in the interests of consensus and in the interests of actually acknowledging country in this place, I indicate that I will be moving an amendment shortly that will seek to essentially put the prayer before the acknowledgment of country. I think that deals with the issue that the previous speaker, Hon Simon O'Brien, raised in his contribution. A number of people on both sides have strongly held views on this issue, but today is an opportunity for us to make progress. Members would be aware that our friends in the Legislative Assembly have moved on this issue already. I hate to be outdone by the people in the other place, so it is very important that we move on this today and that we finally have the acknowledgment. As

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I said, I will move an amendment later on that seeks to put the prayer before the acknowledgment of country. I just wanted to bring that to members' attention.

**The PRESIDENT:** Before I give the call to anyone else, would the minister like to distribute a copy of the amendment to others in the chamber so they have time to consider it before we deal with it?

**Hon COLIN TINCKNELL:** I want to speak briefly on this motion. When I first came to Parliament, I was very surprised that we did not already have this in place. I thought that when the legislation was passed in 2015 to acknowledge Indigenous people's right to this land, this would have been a part of that legislation. I am very happy that the Standing Committee on Procedure and Privileges has put recommendations 1 and 2 before the chamber. It is good that the other states of Australia have acknowledged the need for recognition. As Hon Simon O'Brien mentioned, if we truly believe in reconciliation, this is just one step—it is a part of that movement, as we say.

In many ways governments need to lead the public and provide leadership very much in areas like this and very much in a bipartisan way. That is why I was surprised that an acknowledgement of country was not already a part of the start of each day in this place.

I also have personal views about whether it is said every day or said before prayers, but I am looking forward to further discussion on that matter, if there is any. As a party, we will be supporting this motion.

**Hon ROBIN CHAPPLE:** This is a very important day for me and for many people in my electorate, which has a significant Indigenous population. I agree with Hon Colin Tincknell that it has been a long time coming. I thank the committee for the work it has done. At a very personal level, in essence because of my constituency and the work I have done over many years with Indigenous communities, I would prefer that acknowledgment of the traditional owners of this land come prior to prayers. I am mindful that this is not a voting issue but a consensus issue for the chamber, so I accept the recommendations. However, I make it very clear that at a personal level, I would like to see acknowledgment of country before prayers.

**Hon DIANE EVERS:** I also want to speak from a personal point of view, first of all, to say how pleased I am that we are going to be acknowledging country and how important that will be for many people. I also have to say that when the survey came back with support for it at 61 per cent, I could not assume one way or another how those people who did not respond would feel about this. I also understand that there is a need for consensus here. For me, the acknowledgment of country applies to all of us across the country and the prayers apply to only some of us, so it does not seem right that we reverse that order. I needed to put that on the record. I will support the motion as it stands.

**Hon TJORN SIBMA:** I rise very briefly to speak to this motion. I commend all members who have provided their contributions in such a thoughtful, constructive and sensitive matter, considering the issue at hand. My observation, very briefly, is that we proceed not so much at peril but cautiously. As a nation, we have a complex, dynamic and, in large part, unresolved history. I concur to some degree with Hon Colin Tincknell's remarks that this is part of a journey of reconciliation not only between peoples, but also with an appreciation of our history that there needs to be some reconciliation with our historical legacy in both a positive and negative way.

I will make two remarks concerning the timing and the format. I have to defer to precedent here.

*Sitting suspended from 1.00 to 2.00 pm*

**Hon TJORN SIBMA:** I take this opportunity to resume my earlier remarks. I will not detain the chamber for long, but I want to make two or three not insignificant observations that I was going to make anyway but I feel I am now compelled to make on the basis of contributions by other members. The first pertains to the report and the proportion of support that members of this chamber have indicated for an acknowledgement of country. The proportions are not insignificant. If we endorse this motion, it needs to be done in good faith and with the acceptance of all members of this chamber. I do not think that is indicated to the degree that others might think it is by virtue of this report. A 75 per cent approval rating in a survey of 75 per cent of members is only 55 per cent of members.

A more serious issue is with the timing of the acknowledgement. I think there is a degree of inevitability, and indeed it is appropriate that we include this acknowledgement of country as part of our standing orders, but I want to record my support for the remarks made by Hon Simon O'Brien and the deeply held views of Hon Nick Goiran and other members of this chamber that an appropriate acknowledgement of country should take place after prayers. I do not think that obligates anyone toward any kind of religious belief or acceptance of a metaphysical creator. Instead, it compels us to work with a higher purpose in this chamber, as we are compelled to do in prayers—to be guided by wisdom and good judgement in all our deliberations for the benefit of all the people of

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this state. I think that is the appropriate frame in which to begin our business at the commencement of each sitting day.

I want to register my support for the acknowledgement of country, but I do so with some mixed feelings, and I want to articulate why that is. My reservations are not predicated on any lack of respect for the traditional owners of this country or for the elders of the Whadjuk Noongar people—quite the opposite. My reservations are about the precedent that this establishes for the special recognition of particular cultural groups to the exclusion of others. I refer here as well to other Aboriginal groups within the state of Western Australia that do not include the Whadjuk Noongar people. This country and this society have been built on waves of migration, and those who have come to this land through those waves of migration have made significant contributions to this state and community. I would not want to see their contributions or their Australianness questioned or potentially diminished by virtue of the length of time that they themselves or their families have spent in Western Australia or in Australia. I say this quite unabashedly as the grandson of two post-World War II migrants of European heritage.

My real fear in making this acknowledgement is that it will become the endpoint; it does not compel action. It is very easy for us to assuage conscience or a sense of moral culpability by a very late acknowledgement of a historical reality of this country, and to take no further action to improve the lives of Aboriginal people, particularly Aboriginal children, in this community. I speak as the proud uncle of two Noongar nieces and a nephew, and as the very proud brother-in-law of an exceptional Noongar man. In my heart of hearts I do not see that this acknowledgement adds anything to their personal dignity or contributes to the improved welfare, education, safety and health outcomes of the Aboriginal children in this state. It is time to start walking the walk when it comes to our relationship with Aboriginal people and not just think that we can make an acknowledgement at the start of the day and leave it as an empty, tokenistic gesture. I hope that does not become a reality, but only time will tell. With that, I will submit to this motion. It is the right thing to do, but it is not necessarily as easy or straightforward as has been made out. That is all I have to say.

**Hon ALANNAH MacTIERNAN:** I want to add my name as an enthusiastic supporter for what we are doing here today. I want to reflect on some of the comments made by others. Like Hon Diane Evers and, I think, my colleague the Minister for Environment, I take the view that I would like to see the acknowledgement come first, before prayers, as something that frames the day. However, I must say that I was quite persuaded by the argument of Hon Tjorn Sibma that by starting off with prayers, it is not about a religious belief; it is about causing us to reflect on a higher purpose. I thought it was quite a skilful argument, and I would be one of those who would love to see us perhaps transform the prayer into something that would focus us in a religiously neutral way on that very concept of reflecting on the reason we are here and the job we are discharging.

This is getting a bit embarrassing because I agree with Hon Tjorn Sibma on about three things! He made the comment that he was a bit concerned that this acknowledgement was confined to the Whadjuk Nyoongar people—I say “Nyoongar”, and I will talk about that a bit later—and not the other traditional peoples of Western Australia. I have to say that when I was filling out the form, I supported the form of language that I think might be in South Australia and that manages to do both those things. Anyhow, we did not necessarily win that one, but I think that was a valid point. Maybe in the fullness of time we might want to reflect upon that again.

The third question Hon Tjorn Sibma posed, which I think is a significant question, was: is this really going to do anything for the Aboriginal people of this community? I think that it does. I profoundly believe that one of the most difficult problems we are dealing with is the lack of engagement with the Aboriginal community. The more one comes to understand the history of what has happened in this land—I have been working on this for 45 years—one learns that it was the very rapid obliteration of their community, their culture and their technology. That, really, has been at the heart of the problem that we are all absolutely still struggling with. It is quintessential that if we are to make progress, we need to recognise that which was there so that we can build on it. In this case, I think the symbolism is hugely important. I appreciate that Hon Tjorn Sibma reflected on this. The vast majority of us in this house have, at the core of our hearts, an understanding that to be Australian is to really want to work with Aboriginal people to advance their interests. Can I say how pleased I am with the remarks of Hon Colin Tincknell and the fact that the One Nation party in this place is so strongly supportive of the recognition of the Aboriginal community.

Just one small point: I must say that I am one of those people who absolutely remembers all the old people saying “Nyoongar”. I do not know at what point the “w” sound was dropped from the name and the “y” was left out. If members talk to older people, they will say “Nyoongar” and not “Noongar”. It is with a little bit of regret that we are enshrining “Noongar” and not “Nyoongar”.

I thank the house for the goodwill that has been shown. Members have been prepared to compromise on their particular positions in order for us to get unanimity of response. It reflects very well on us.

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**Hon COLIN HOLT:** Now it is my turn to be embarrassed, because I find myself in agreement with the statement that the Minister for Agriculture and Food just made. I first thank the Standing Committee on Procedure and Privileges for doing the work on behalf of the house and for bringing this report to this place for us to consider. It is for us to consider. As the deputy chair of the procedure and privileges committee said in his opening remarks, this is an opportunity for debate, based on the variety of views not only reported in the report from the survey, but also expressed in this chamber. There is a variety of views on the way forward. It is disappointing in some ways that only 75 per cent of members responded to the survey, but that is a choice that people make and that is fine. I take it to be majority support for the introduction of a welcome to country in this house. I note that the survey found that 61 per cent of members were in favour of reading an acknowledgment of country before the reading of the Council prayer. Obviously, a variety of opinions was expressed in the survey. I take Hon Simon O'Brien's proposition that if every member had responded, that figure might have been around 50–50. That is unknown, because we cannot crystal ball gaze. Those surveys were not potentially lost in the mail. On the other side of that, it could well have been closer to 70 or 75 per cent who said that they wanted the welcome to country in front of the prayer. We have already heard a number of views on that issue. It is quite remarkable that even though we have a variety of views and opinions, we can actually arrive at what the Minister for Environment, on behalf of the Leader of the House, called a consensus position. I would say consensus has been arrived at by way of compromise. Different views were indicated in the survey and the speeches made to the house. I have a preference that we do the welcome to country before the prayers—that is why I find myself in agreement with the Minister for Agriculture and Food—but I am willing to make sure that this welcome to country occurs in this house as a compromise and consensus to say that this is the way forward for this house to adopt it at the start of formal business in this house. We can do these things when these matters are brought on for debate. We can do this when there is a signal that we are going to debate. We can work through the issues and options to come to a compromise position that has some consensus.

I believe that this will make some difference to Aboriginal people. It is a strong signal that they were the first peoples of this nation and that they have a great deal to offer. Part of our esteem for their place in our society is marked by a decision to do a welcome to country. I thank the PPC for its work on this matter. It is not easy to arrive at a position that the house will adopt. A lot of work was done behind the Chair to reach that consensus position. I look forward to implementing this and changing the standing orders.

**Hon PETER COLLIER:** I will just make a few comments on this motion. First of all, the Liberal Party will be supporting the acknowledgment and also the amendment foreshadowed by the minister. The way in which we have settled this issue is tremendous. It is a wonderful testament to this house that such a powerful message will go out to Aboriginal people. We have finally been able to settle it. That is a wonderful thing. A number of members have today articulated the view that it is not unanimous in some areas, but that is irrelevant. The point is that we have landed at a point that is acceptable to everyone and, most importantly, is very, very welcome for Aboriginal people. That is a wonderful testament to this chamber.

Hon Tjorn Sibma articulated the point that I was going to relate, but he did it so well that I will keep mine very brief. We all know that this will not do one single thing to alter the quality of life of an Aboriginal person in Western Australia. The gap in the quality of life of Aboriginal people is still so significantly large that it is almost embarrassing. I was privileged to be Aboriginal affairs minister for over six years and education minister, dealing with Aboriginal children, for almost five years. The disparity between the quality of life of Aboriginal people and non-Aboriginal people is embarrassing in the twenty-first century. It will be a magnificent time in this country's future when Aboriginal and non-Aboriginal people can stand together and we do not have to talk about closing the gap, as the health standards for Aboriginal people will be identical to those of non-Aboriginal people, the educational standards and NAPLAN results for Aboriginal students and non-Aboriginal students will be the same, and the housing conditions for Aboriginal people will be the same as those for non-Aboriginal people. Right across the nation we will no longer need a department of Aboriginal affairs, because the opportunities presented to Aboriginal people will be identical to those presented to non-Aboriginal people. To get to that point, we desperately need that rich tapestry of everyone working together. I think we have done that as a community. We have made giant strides in the Aboriginal space, particularly over the last 25 years, within the state, in other jurisdictions and nationally. However, as I have said, this, in isolation, will not help to close that gap, but as far as Aboriginal people are concerned, it is such a powerful message that the Legislative Council of Western Australia will acknowledge Aboriginal people as the oldest living culture on this earth with a very, very proud history, culture and heritage. They will be acknowledged. As a member of this chamber, I am proud to be here today. We will definitely support the motion.

**Hon MARTIN ALDRIDGE:** I rise to remark on the report we are dealing with. I, too, place on the record my support for an acknowledgment of country at the commencement of each sitting day. At the outset I put on the

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record my response to the survey provided to me by the Standing Committee on Procedure and Privileges, and I will speak on a number of those things. My response was that we should do it every day prior to prayers, and that it should be in English. I will canvass my reasons for that in my brief remarks this afternoon.

I was unable to be in the chamber prior to the break in sitting so I was unable to listen to all members' contributions to the debate, but I understand an amendment was moved by the Deputy Leader of the House that reflects an agreement between party leaders behind the Chair. I bring to members' attention, as other members have, that, interestingly, the majority of the members surveyed and those who responded supported the acknowledgment of country occurring prior to prayers. Recommendation 2 in the PPC report reflects the position of the members surveyed. I know the committee would have reflected on the weighting of those surveys in making the recommendations it brought to the chamber.

Similar to Hon Colin Holt, I can live with it—although it is not my preference—but I am concerned that although some may argue that having acknowledgment of country after prayers is consistent with more Australian jurisdictions, some may also draw the comparison that it is inconsistent with the other chamber of the Western Australian Parliament just down the hallway. I am concerned that people may conclude that the other place puts greater weighting or greater strength than we do on the acknowledgment of country by saying it before prayers in that chamber. That weighs on my mind.

The Minister for Agriculture and Food made some comments about recommendation 1 and the words that ought to be used. If I recall correctly, my survey response stated that my preference was to recognise all traditional owners of Western Australia. The members of this Parliament represent many regions, people and traditional owner groups from across our vast state, and my preference was to have a more broad-ranging or more general acknowledgment, rather than just the place on which the Parliament sits. Thinking back to my induction as a member of Parliament by the Clerk some five years ago, one of the first things we learned was that this chamber in a physical sense is irrelevant to Parliament. Parliament is 36 members of this chamber meeting at any place. That could be in another location within the parliamentary precinct, or it could be anywhere within Western Australia. Those are the two reasons I framed my response in the way I did.

From reading the report, recommendation 1 came from the procedure and privileges committee after consultation with a cultural expert, Dr Richard Walley, OAM. His preference and recommendation, which members will see at appendix 3 of the report, was for site-specific wording to be used in the acknowledgment of country. Having said that, members ought to consider that the Legislative Council could meet at a place that is not within the Whadjuk Noongar people's lands. I have been advised that the passage of recommendation 1 as a resolution of this chamber will give adequate flexibility for the President, in presiding over the opening of the house, to reflect the traditional owners of the lands, whoever they may be, wherever we may meet, at that particular time. I have been advised that recommendation 1 will give you, Madam President, adequate flexibility to do that; however, I put those comments on the record because I think it is important given that the recommendation deals with quite a specific acknowledgment to the Whadjuk Noongar people.

**Hon Jacqui Boydell** interjected.

**Hon MARTIN ALDRIDGE:** Hon Jacqui Boydell is right. We have not recently met in other places in Western Australia, but certainly this and the other place have a history of meeting in other locations.

In the remaining time I will talk about the issue of dealing with standing orders. I am increasingly uncomfortable with the way the house manages the amendment and consideration of particularly procedure and privileges committee reports, particularly reports dealing with amendments to the standing orders of this place. The notice paper shows orders of the day 23, 24, 25, 26, and of course order of the day 27, with which we are now dealing. Five reports from the procedure and privileges committee remain outstanding. At least four out of five of those reports have been reinstated from the thirty-ninth Parliament. They are getting very old indeed. I am concerned with the approach taken in recent times. There almost seems to be a concern that consideration of these reports might take considerable time of the house, and therefore considerable time of the government. It concerns me that the approach taken is that until we get everyone to agree, we will not do anything. In my view that is not the right approach to these things. Standing orders amendments, or indeed dealing with PPC reports, should not be something that we are scared of having a robust and strong debate about in this chamber. I fear that that debate now happens outside this chamber. I said in my opening remarks that the amendment before us today reflects the agreement of all parties, but it has come almost as a *fait accompli* to this chamber before we can even engage in the debate or convince others of a different point of view, and before we can even put an alternative view or position. This is the course that dealing with these reports has now taken. I encourage the government to consider the other orders of the day that are on the notice paper—that is, orders of the day 23 to 26. They include some really important matters for consideration, including the rights of witnesses appearing before parliamentary

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committees. E-petitions is a really important one that the Parliament ought to discuss, whether we like it or not. Why have we not had that discussion? Not to take away from today's debate, hopefully we can all reflect on those things, particularly party leaders as they meet as a group to decide how to deal with the management of the reports and amendments to standing orders. We should start to chip away at some of these reports, because it is in our interests and the interests of Western Australians that we address some of these important issues that have been on the notice paper for quite some time.

I wish to reiterate my support for the acknowledgment of country being read in the Legislative Council, and I express some concern, if not embarrassment, that it has taken us this long to reach this point. The motion today has my support.

**Hon ALISON XAMON:** I rise to indicate how pleased I am that we will finally have an acknowledgment of country read into the opening of Parliament on a daily basis. I think it is a really important step towards reconciliation with the First Australians. I think it is more than symbolic. Part of achieving reconciliation is about coming to terms with our history and acknowledging that this land was never ceded. It is Aboriginal land and will always be Aboriginal land and, as such, it is important and appropriate for this chamber to be acknowledging that that is the case.

I also think that it would have been useful to have had a form of words, for the reasons that have been articulated, that would have incorporated all the Aboriginal peoples within Western Australia, because if we end up holding Parliament outside this place and this building, it will be important that we acknowledge the lands on which we meet. Having said that, we are meeting specifically on Whadjuk Boodja, the lands of the Whadjuk Noongar people. As such, it is appropriate that respect is given specifically to those people on whose land we meet.

I do not believe that an acknowledgement of country takes away from or denigrates those people who have come to our shores, and will continue to come to our shores, to create what is now Western Australia. I am a direct descendant of four of the original members of the Swan River Colony and the original generations of people who came here and created Perth and Northam, as it turns out, in the form that we can see today. I do not believe that acknowledging our First Peoples in any way takes away from the achievements of people who have come to Australia since, and I feel no need to denigrate my personal family history in that regard. However, it is important, as an act of reconciliation, that we acknowledge that this is a colonised state and that as a result of this, the First Peoples of this land have experienced a level of disadvantage, marginalisation and poverty that is yet to be appropriately reconciled today. By no means should this ever be seen as ensuring that we have met our obligations to the First Peoples. Indeed, I do not think that anyone who supports these sorts of measures would ever think that that was the case. We are talking about an entire people who are less likely to live as long as others and who are more likely to be incarcerated and experience disadvantage, homelessness and poverty.

It is a really important step to ensure that we are, at the very least, acknowledging whose land it is on which we meet. As such, I am pleased that we have been able to achieve a consensus within this chamber to come to a form of words that will be spoken every day in this place so that we do not forget upon whose land we meet. Hopefully, that will also serve as a regular reminder of the obligations that we hold to always have the best interests of Aboriginal people at the forefront of our thinking.

**HON AARON STONEHOUSE:** Initially, I had not planned to speak on the forty-sixth report of the Standing Committee on Procedure and Privileges, "Acknowledgement of Country", but I feel that I should, given its historical importance and given that every other member of the chamber has laid their thoughts on the record. Briefly, I will cover territory that I feel others have already trodden, so forgive me if I repeat some of the sentiments that others have expressed. I believe we should always proceed cautiously when amending the standing orders and we should always take our time when considering changes. Going by the report that has been prepared by the Standing Committee on Procedure and Privileges, I see that a great deal of time and energy has gone into the consideration of how we might approach a welcome to, or acknowledgement of, country. I see that this is a largely symbolic change and I do not feel that it will not have a tangible impact on closing the gap. It may go some way towards reconciliation, but it will not address the large differences in economic, health and education outcomes. I echo the sentiments of Hon Tjorn Sibma and perhaps the caution he gave that this cannot be the last step. This is perhaps a step in the right direction for reconciliation, but we need to do more to close the gap. We cannot rest on our laurels after passing this motion and introducing a welcome to country.

In regard to the order in which we have our welcome to country and whether it should occur before or after prayers, I support the amendment by the Deputy Leader of the House to have the welcome to country read after prayers. I again share the sentiments of Hon Tjorn Sibma that the prayers in Parliament, even for those who are not religious, is a reminder of those higher ideals and higher values that we all hold. We should seek to uphold a transcendent value in our lives that informs our decision-making and our view of this world. I feel that if we have those transcendent values, they should come first in that they encompass and should apply to all peoples of

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this state equally. As a classical liberal and a libertarian, I believe strongly in the natural right of all peoples to life, liberty and property. This country, this state, has a chequered past. I would call our past and the treatment of Indigenous people in this state as nothing short of human rights abuses. It is important that we never forget that past and never ignore it and that we make efforts towards reconciliation. Despite my scepticism about the impact that this might have on closing the gap and achieving more equitable outcomes for Indigenous Australians, if this serves reconciliation and ensures that no-one forgets the past human rights abuses in this state, I am happy to support the motion.

**HON NICK GOIRAN:** I am pleased to contribute to the consideration of the forty-sixth report of the Standing Committee on Procedure and Privileges, “Acknowledgement of Country”, in this fortieth Parliament. The report brings the attention of the Committee of the Whole to recommendations made by the committee. I thank the committee and the five serving members for the work that they have done and the effort to which they have gone to collaborate with members of the chamber. I note that several members today, in the substantial number of contributions that have been made, have placed quite a bit of emphasis on their disappointment that there has not been an opportunity to debate this matter until now. In fact, I recall one or more members during the course of their contributions indicating that they were disappointed about that because it did not enable them to put their position and then potentially persuade others on the merits of their position. That is what I understood several members to say and I have a degree of sympathy for that position.

However, I find it somewhat ironic that some members during the course of this debate have placed quite a bit of weight on the results of the survey. I draw to members’ attention that the survey has been completed and provided to the Standing Committee on Procedure and Privileges without any opportunity for any member to persuade another member on what their view might be. It strikes me that we either hold the view that it is important to have a debate and persuade each other on the merits of something or we give great weight to a survey whereby there has been no debate and no ability to persuade people. Nevertheless, pleasingly, the matter is before us now and we have the opportunity to debate it and, strictly speaking, members still have an opportunity to persuade one another. However, I acknowledge the sentiments of other members throughout the course of this debate. A series of useful discussions have occurred behind the Chair to ensure that the outcome today will be a positive one. It is an outcome that I think I would characterise best as one that every member can live with. For the purpose of the record, I would like to give my views on recommendations 1 and 2. In doing so, I hasten to add that I am supportive of the recommendations in principle and I am supportive of the foreshadowed amendment to be moved, I believe, by the Minister for Environment or somebody on behalf the government.

With respect to recommendation 1, Madam President, the committee that you chair and the report that has been tabled before the house dated 30 November 2017 recommends —

That the Legislative Council adopts the following form of words for a Legislative Council Acknowledgement of Country —

This House acknowledges and honours the traditional owners of the ancestral lands upon which we meet today—the Whadjuk Noongar people—and pays its respects to their Elders both past and present.

I note with great interest the contribution made by Hon Martin Aldridge this afternoon. It is a perfect example of what some members have raised—that is, the need and the benefit of being able to persuade one another about things. I listened to the contribution of Hon Martin Aldridge with great interest when he said words to the effect that he has obtained advice that the acknowledgement in recommendation 1 will be sufficiently flexible to be able to be used in whatever context the Legislative Council finds itself. That is my pretty elaborate paraphrasing of what Hon Martin Aldridge said, but I think I got the gist of what he had to say. It is a classic example of a matter that I confess I had not turned my mind to, and I thank him for bringing it to our attention. At this moment in time, I am somewhat perplexed to understand the basis on which there is advice that the form of words that the Legislative Council seeks to adopt today can somehow be materially altered at a later stage without the proper consent of the Legislative Council. That is a matter that needs to be considered, but I do not think it needs to hold us up today. I understand, because I have not been given any indication by the Leader of the House or yourself, Madam President, that there is no intention in the near future for us to sit in any location other than where we are today. Until such time as some notice is given that there is an intention for Parliament to sit elsewhere, I do not know that this matter is one of great urgency. However, it is a matter that requires, at the very least, an explanation. Preferably, if what Hon Martin Aldridge told us earlier is to be the position and that there is some, in my words, flexibility in the use of this acknowledgement of country, at the very least a ruling to that effect will be in order. My preference is that the matter be considered by the Standing Committee on Procedure and Privileges and that a formal report be made to the house for our consideration. The honourable member has raised an excellent point that should not be dismissed by members. At the end of the day, standing orders and resolutions made by the



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Legislative Council either mean something or they do not. I am incredibly uncomfortable with the suggestion that somehow we would adopt the form of words prescribed in this report today—the form of words that we are all agreeing to—and that they can somehow be materially altered at a later stage. For starters, I do not think that is correct, but if I am wrong about that, I do not think it is desirable. I hope that members will agree with me that it is not desirable and that a further report by the Standing Committee on Procedure and Privileges would be useful in the fullness of time. As I say, I do not consider it to be a matter of great urgency.

The second matter I would like to address is the form of words outlined by the committee in recommendation 1 and goes to the consultation undertaken with Dr Richard Walley. I draw members' attention to appendix 3 of the report.

**The PRESIDENT:** Hon Nick Goiran.

**Hon NICK GOIRAN:** I was just outlining to the chamber the advice from Dr Richard Walley at appendix 3 of the forty-sixth report of the Standing Committee on Procedure and Privileges, "Acknowledgement of Country". I found it interesting that Dr Walley states —

I agree with the options:

**LC option 1...**

This House acknowledges and honours the traditional owners of the ancestral lands upon which we meet today—the Whadjuk Noongar people—and pays its respects to their Elders both past and present.

**LC option 3 ...**

I respectfully acknowledge the traditional custodians of the ancestral lands upon which we meet today—the Whadjuk Noongar people—and pay my respects to their Elders both past and present.

At paragraph 5.13.2, the Standing Committee on Procedure and Privileges has explained why it has recommended the wording of the first acknowledgement of country rather than the third one. It states —

This acknowledgement reflects the entire membership of the House as opposed to one given by its Presiding Officer in the first person.

I agree with that. I think it is desirable that each day when the President recites the acknowledgement of country that it is said on behalf of the whole house rather than in the first person. That would be entirely consistent with how prayers are articulated in the house.

I note that Dr Richard Walley, the chief consultant to the committee on this issue, has said he would agree with either of those options. One option refers to the "traditional owners" of the land, and the other refers to the "traditional custodians" of the land. My personal view is that "traditional custodians" is a better choice of language than "traditional owners". Therefore, my personal view would receive the support of Dr Richard Walley, because he has indicated that he would agree with either of those options. Therefore, there is nothing particularly controversial about my personal preference for the words "traditional custodians" rather than "traditional owners". Like other members in this place, in the spirit of compromise, and in order to get this done, I do not think I need to die in a ditch on whether we use the language "traditional custodians" or "traditional owners".

I will give a brief explanation. I do this because I note that in a lot of the contributions today, members have expressed a preference, without explaining why they hold that particular view. The reason I think "traditional custodians" is a superior form of language to "traditional owners" is that I believe we are all mere custodians. We are all on this earth and in custody of certain things and certain lands for a period of time, and it then passes to the following generations. In that sense, I believe we are custodians and not owners. However, that is my personal view and it need not hold up the passage of the acknowledgement of country.

The committee also recommended to the chamber that standing order 14, which deals with formal business, be amended. Paragraph (1) of standing order 14 contains 11 subparagraphs. Subparagraph (a) simply reads "prayers". The committee recommended that subparagraph (a) be deleted and a new subparagraph (a) be inserted that reads "acknowledgment of country and prayers". Those two items would be combined or conflated. I understand that the Minister for Environment will be moving an amendment to that. I am not sure that I have seen the amendment.

**Hon Stephen Dawson:** It has been circulated, member.

**Hon NICK GOIRAN:** I now have the proposed amendment, and it is very helpful, because it answers my question. I was about to say that I am not enamoured with the conflation of those two items. I believe that out of respect for those two parts of formal business, there is merit in separating those items. I note that the foreshadowed

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amendment would do exactly that. Therefore, I flag to the Minister for Environment my support for his proposed amendment. I thank the minister and the government, and whoever else has been involved in the drafting of that amendment, and say that is work well done.

To conclude my comments on the order in which the acknowledgment of country and prayers should take place, I indicate to members that this is the one and only area in which I responded to the survey. I did not complete the survey per se. However, I did send an email to the committee and put my view clearly and concisely. My view is based on two things. The first is that a significant number of jurisdictions in Australia read the acknowledgement after prayers. I draw members' attention to appendix 2 of the report, which deals with that matter. However, that is not reason enough. Far be it for me to say that just because the Victorians, the New South Welshmen and the South Australians and so on do something one way, we should do the same thing. I certainly do not hold the view that just because the other place of the Parliament of Western Australia has chosen to do something in a certain way, we should march to its tune. I will give members the simple reason that I responded to the survey by indicating that prayers should be read before the acknowledgement of country. Members may or may not hold the view that there is a God. If they do hold that view, as I do, clearly prayers should be read first. It makes no logical sense and it is completely unnatural for it to happen the other way around. If members hold the view that there is no God—I respect their right to hold that view—all that would happen at the reading of prayers would mean nothing to them. It would just be a nothingness. We would then move to the acknowledgment. For those of us who think that the reading of prayers means something and is not just a nothingness, the reading of prayers absolutely needs to take place first, because otherwise it would make a complete mockery of the reading of prayers, and I would find that extremely irreverent.

**HON JACQUI BOYDELL:** I rise briefly to put on the record my support for this motion and for the amendment foreshadowed by the Minister for Environment. I was very privileged in the last Parliament to be a member of the Joint Select Committee on Aboriginal Constitutional Recognition, along with, from this place, Hon Dr Sally Talbot and Hon Michael Mischin; and, from the other place, Murray Cowper, the former member for Murray–Wellington; Josie Farrer, member for Kimberley; and Hon Ben Wyatt. That was a very historic moment for that Parliament. The committee took a bipartisan approach to the recognition of Aboriginal people in our Western Australian Constitution. That was very much the right decision to make. It placed on the record the intent of the Parliament and the leaders of the state of Western Australia to acknowledge that Josie Farrer, the member for Kimberley in the other house, had brought to the Parliament an important piece of legislation that was supported by all members of this Parliament. To me, what we are doing today in the Legislative Council is also a moment in time that all members of this chamber can be proud of. It is an acknowledgement that the history of this Parliament reflects the importance of Aboriginal people and their place in our history, which we all must recognise and own. Acknowledgement of country is about recognising the traditional owners of this land. It is also a moment of reflection while we acknowledge the relationships that we have with Aboriginal people and our duty as members of Parliament, friends and relatives to ensure that, wherever possible, we promote the interests of Aboriginal people in our state. I think that is entirely the right thing to do. Some members have reflected on whether this will alleviate any closing the gap issues. I do not think this motion is intended to do that. The action of acknowledging country every day in this Parliament will allow members of this Parliament to reflect on what we do every day to promote the rights of Aboriginal people.

I have two godchildren. They are young Aboriginal men and I love them both very dearly. I know that they feel that welcome to country, or acknowledgment of country, acknowledges their history, their family and the place in which they sit in Western Australia. It is a proud thing for them to reflect on the Parliament of Western Australia acknowledging their place in Western Australia. Indeed, I am very privileged to be part of this debate. I thank all members for their contributions. I do not think a comment has been made that I have not agreed with. It will be a great thing for members of this house to be able to reflect in the future on this moment in time because we all believe that we are taking a step that each one of us knows will at every opportunity promote the rights of Aboriginal people.

**Hon KYLE MCGINN:** I also put on the record that I believe that this is a very historic moment. When I first came to this place, I was shocked to learn that acknowledgment of country did not take place. I believe we need to continue to move forward in this space. It is an honour for me to be part of a Parliament that is making this decision. I believe it is a step towards further reconciliation.

**Hon ROBIN SCOTT:** I would like to put on the record, too, that I am in favour of this report and to comment on Hon Aaron Stonehouse's comments. Enough time has been spent on this matter. I would like to get this over the line as soon as possible without any further debating or committee meetings. Hon Aaron Stonehouse also said that he does not think it will help close the gap. I assure him that the Indigenous people who come to my office every day when it is open will be very, very happy about this. The gap is not going to close with a bang. This will go

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a very small way towards helping to fill that gap. Recommendation 1 is perfect. If this chamber has to set up shop somewhere else, I am sure that we will be able to change the name of the traditional landowners. I agree with Hon Nick Goiran on recommendation 2, that prayers should be said before welcome to country.

*Amendment to Motion*

**Hon STEPHEN DAWSON** — without notice: I move —

To delete all of the words after “To” and insert the following —

insert the following after paragraph (a) —

(b) acknowledgement of country;

And to renumber the following paragraphs accordingly.

I do not propose to speak for long. As I indicated earlier, a number of people have different views about this, but we all want an acknowledgement of country. It is for that reason that I move this amendment.

**Amendment put and passed.**

*Motion, as Amended*

**Hon SIMON O'BRIEN** — in reply: On behalf of the Standing Committee on Procedure and Privileges, I thank members for their respectful, thoughtful and entirely constructive contributions to the debate this afternoon. I think we have achieved some things just by going through the exercise and I hope that all members have grown a little personally as a result of participating in that.

A number of matters have been raised that I think can be left as they are—they were matters to be raised and members have respectfully considered each other's contributions. Only two substantive matters raised in the course of the debate require a response. The first is the adoption of a form of wording in the first part of the motion that I moved, specifically, that we identify the traditional owners as the Whadjuk Noongar people. Considerable thought went into those words in the course of the committee's deliberations and that is reflected in its report. I have not seen any disagreement with this, but that is why there is a specific given there, and it is based on the advice with which we were provided to preserve a cultural sensitivity. In the case that the Legislative Council ever sits somewhere outside Whadjuk Noongar country, seriously, is something that we will deal with easily if and when it ever happens. It has happened once that I am aware of, when we sat in Kalgoorlie. I do not know when our next regional sitting will be, but we managed it once in 186 years, maybe we will get to do it again in another 186 years.

**The PRESIDENT:** I am sure you will still be here, Hon Simon O'Brien; I am looking forward to that!

**Hon SIMON O'BRIEN:** Do not worry about that; it is not a substantive concern. That is not to make light of it.

Members, be aware that there are all sorts of standing orders, and, yes, our standing orders are black letter law. That being said, the customs and usages of the house are such that the President can from time to time achieve all sorts of things to make the house run smoothly, even for things that are not prescriptively laid down. I can think of a recent example in which we made some alterations just to make absolutely sure of a problem that might never arise, and I assure members that the President or I would have dealt with it if it had somehow arisen anyway. Nonetheless, this will not be a problem.

The second matter that was raised is not directly related to this motion but is about the speed of dealing with Standing Committee on Procedure and Privileges recommendations. May I suggest, in response, that that is a matter for the house. It is a matter collectively—I will not say for “you”—for us. I have not looked up the statistics on this, but, indeed, in many cases, although this was a sort of own motion or own initiative referral by the committee, matters are actually directed to the procedure and privileges committee in the first place by the house or by way of a request from the house that it look into a matter; either way, it is up to the house when it wants to deal with things. Members, do not think for a moment that things have to be dealt with on the floor of this chamber to be dealt with. So much happens away from our plenary session that that is the way things work. I offer that not by way of argument, but by way of reassurance.

It is clear that we all feel that we have achieved a lot in this debate. I thank members for their support of the motion, as amended.

**The PRESIDENT:** Members, when we first started this debate, I said that I would split the motion into two parts and we would vote on each separately. We have now already amended part (2), so we will not do that. Therefore, the question is that the motion, as amended, be agreed to.

**Question put and passed.**

*Report*

Resolutions reported, and the report adopted.

**Extract from *Hansard***

[COUNCIL — Thursday, 12 April 2018]

p1938d-1948a

Hon Simon O'Brien; Hon Stephen Dawson; Hon Colin Tincknell; Hon Robin Chapple; Hon Diane Evers; Hon Tjorn Sibma; Hon Alannah MacTiernan; Hon Colin Holt; Hon Peter Collier; Hon Martin Aldridge; Hon Alison Xamon; Hon Aaron Stonehouse; Hon Nick Goiran; Hon Jacqui Boydell; Hon Kyle McGinn; Hon Robin Scott

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