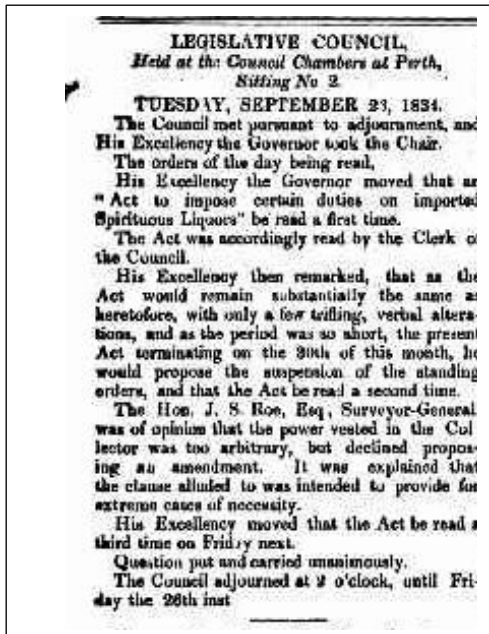


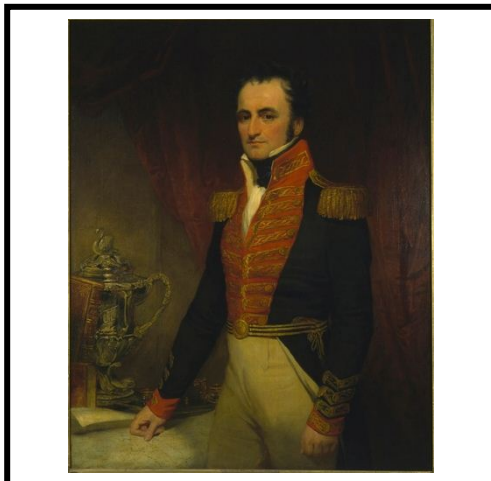


SITTING NO 2

LEGISLATIVE COUNCIL



*The Perth Gazette
and Western Australian Journal
27 September 1834, p. 359*



'Portrait of Sir James Stirling ca. 1833'
Mitchell Library, State Library of NSW

In the navy: James Stirling

James Stirling was born near Lanark, Scotland in 1791, the eighth child of Andrew and Anne Stirling. Stirling came from a strong naval tradition on his mother's side and aged 12 years he joined the navy to see the world. In his 33rd year he married 16 year old, Ellen Mangles (daughter of renowned botanist) at Guildford, England in 1823. They had five sons and six daughters.

Following exploration of the Swan River, Stirling argued strongly to the NSW Governor Darling and his colonial superiors of the superiority of the Swan River area as an ideal location for a new British colony. In 1829 James Stirling was appointed Lieutenant-Governor of the new settlement. He sailed from England with his family and officials on board the *Parmelia* and on 18 June 1829 he proclaimed the foundation of the Swan River colony. As Lieutenant-Governor and later Governor he administered the colony from June 1829 to January 1839 except during his visits to England.

In February 1832, the Executive and the Legislative Council met for the first time. The groups had the same five members and Governor Stirling lead both. He made most decisions and other settlers had no say.

The main problem in the beginning of the colony was lack of food and the prospect of starvation. Stirling had to buy emergency food supplies from Van Diemen's Land (now Tasmania).

Governor Stirling wrote his letter of resignation 2 October 1837 when his relationship with prominent early settlers and Aboriginal people became very difficult. Stirling and his family finally departed Fremantle 6 January 1839 for England. He died at his Guildford home in England, 22 April 1865.

Governor's Constitutional Role

The Governor is the Head of State in Western Australia with executive power that is subject to the advice of the Cabinet. The Governor's powers and duties are written in the Letters Patent, under which the Governor is appointed and the **Constitution Act 1889**. The Governor is expected to act apolitically. The specifics of the Governor's role are:

- Preside over Executive Council
- Appoint Ministers, Judges, Magistrates and Justices of the Peace
- Fix the time and place for each session of the Legislative Assembly and the Legislative Council
- Prorogue and dissolve the Legislative Assembly
- Prorogue the Legislative Council. The Governor does not have power to dissolve the Legislative Council.
- Accept the resignation of members of the Legislative Council
- Appoint the President of the Legislative Council
- Issue writs for general elections
- Take, or authorise a person to take, the oath or affirmation of allegiance from members of the Houses of Parliament.

Governor's Community and Ceremonial Role

- Open the Western Australian Parliament
- Promote Western Australia
- Welcome and provide hospitality to heads of state, ambassadors and other official visitors
- Present honours and awards under the Australian honours system
- Present awards and medals to Scouts and Guides; Girls and Boys Brigades; Churchill Fellowships and Queen Elizabeth II Silver Jubilee Trust Awards
- Participate in public events
- Travel throughout Western Australia to meet people in the country and keep informed of state developments
- Act as a patron of community and charitable organisations.

BY APPOINTMENT

Prior to the granting of self-government to Western Australia, Governors were appointed by the British Sovereign on the advice of the United Kingdom Government. Since the **Australia Act 1986** (UK), the Governor is appointed on the Premier's advice and can only be dismissed by the British Sovereign on the Premier's advice. The Governor is no longer controlled or vetoed by the British Sovereign or Parliament. Since 1985 the Governor acts on the advice of the Premier, Ministers and the Executive Council when the **Australia Act 1986** (UK) was passed by the Commonwealth Parliament and the United Kingdom Parliament, at the request of all State Parliaments,



Letters Patent re Constitution 25 August 1890 (UK)

The Letters Patent have important provisions on the Governor's role which were not included in the Western Australia Constitution.



Australia Act 1986

MALCOLM MCCUSKER SWORN IN

Gunfire heralds WA's new Governor

■ Malcolm Quekett

A 19-gun salute boomed out across the city from Kings Park yesterday evening as prominent barrister Malcolm McCusker AO QC became WA's 31st Governor.

Watched by about 400 political, civic, religious, business and community leaders, along with family members, Mr McCusker took the oath of allegiance and oath of office in the ballroom of Government House.

Mr McCusker told the guests that he was honoured and humbled by their attendance.

He said that growing up he had heard the term governor used, but had never dreamt that it might one day apply to him.

Mr McCusker said that for many years he had been inspired by his teachers and mentors, and those who had worked for the community, and he hoped he would be able to inspire others and fan the flame of compassion.

A 19-gun salute is fired for governors-general and State governors on special occasions such as assumption of

office, for opening, proroguing and dissolving Parliament and also for heads of government on arrival in Australia.

Premier Colin Barnett and Opposition Leader Eric Ripper paid tribute to Mr McCusker and welcomed his appointment. Mr Barnett said the role of Governor included a constitutional role, signing into law legislation passed by Parliament, officiating at important State occasions and providing community leadership.

He said Mr McCusker was well prepared to perform all the roles.

Mr Ripper said Mr McCusker had a long record of achievement, had had a stellar legal career and was a leader.

Mr McCusker, 72, who has been appointed for three years, replaces Ken Michael, who held the office for five years.

When his appointment was announced in March, Mr McCusker pledged to use his vice-regal position to further the causes of charity and the State's indigenous population.

As Governor, Mr McCusker has stepped down from his le-

gal practice but said in March he expected to continue as chairman of the McCusker Charitable Foundation.

Mr McCusker will draw no salary as Governor, instead pledging to donate his \$422,678 annual pay to charity.

Mr McCusker and wife Tonya have moved into Government House with family Nik, 16, James, 11 and Mary, 2. He is believed to be the first Governor with a young family to occupy the vice-regal residence since 1909.

Mr McCusker told *The Weekend West* he planned to visit the State's regions, support community organisations and encourage more opportunities for Aboriginal communities.

"It is a series of things which we hope we will be able to do in some way lift the spirit of compassion that already exists in Western Australia," Mr McCusker said.

"If at the end of three years we have achieved something like that, and you can often gauge these things by feeling, then that will have been an achievement."



Malcolm McCusker AC CVO QC

Malcolm McCusker was born in North Perth, 6 August 1938. He was educated at Hobart High School and Perth Modern School. In 1961 he graduated from the University of Western Australia with a Bachelor of Laws degree and was admitted to practice. McCusker was appointed a Queen's Counsel in 1982 and was Chairman of the Legal Aid Commission from 1983 to 2011. He was a part-time law lecturer at the University of Western Australia throughout his law practice. From 1989 to 1990 he was appointed Special Investigator to lead an inquiry into the cause of the collapse of Rothwell's Bank. McCusker was the inaugural Parliamentary Inspector of the WA Corruption and Crime Commission between 2004 and 2008. On 1 July 2011 he was appointed 31st Governor of Western Australia.

McCusker is a committed philanthropist illustrated by his establishment of the McCusker Charitable Foundation. He is twice winner of the WA Citizen of the Year Award. In 2005 he was made an Officer of the Order of Australia for service to law and community. In May 2007 he married Tonya Batalin and they have one daughter. They have five children from previous marriages.

The West Australian, 2 July 2011, p. 3

"When I was growing up in the then working class suburb of North Perth, and heard the title "Governor", I never dreamed that one day that title would be applied to me. In those years, the 40s and 50s, a whole generation still carried the memory of, and was smarting from, the Great Depression, a period described by Geoffrey Bolton in his evocative book, "A fine country to starve in".

Governor's Address

By His Excellency Malcolm McCusker AO QC

Governor of Western Australia, Friday 1 July 2011

GOVERNORS OF WESTERN AUSTRALIA

	Name		Date Appointed	Date Retired/Died
1	Stirling, James	Lieutenant Governor	30 December 1828	5 February 1832
		Governor	6 February 1832	11 August 1832
		Governor	19 August 1834	2 January 1839
2	Hutt, John		3 January 1839	26 January 1846
3	Clarke, Andrew KH		27 January 1846	11 February 1847
4	Fitzgerald, Charles		12 August 1848	22 July 1855
5	Kennedy, Arthur Edward		23 July 1855	19 February 1862
6	Hampton, John Stephen		28 February 1862	1 November 1868
7	Pine, Benjamin Chilley Campbell ¹			
8	Weld, Frederick Aloysius		30 September 1869	3 January 1875
9	Robinson, William Cleaver Francis		11 January 1875	6 September 1877
10	Ord, Harry St. George		30 January 1878	9 April 1880
11	Robinson, William Cleaver Francis		10 April 1880	13 February 1883
12	Broome, Frederick Napier		2 June 1883	20 December 1889
13	Robinson, William Cleaver Francis		20 October 1890	17 March 1895
14	Smith, Gerard		23 December 1895	29 June 1900
15	Lawley, Arthur		1 May 1901	13 August 1902
16	Bedford, Frederick George Denham		24 March 1903	22 April 1909
17	Strickland, Gerald		31 May 1909	3 March 1913
18	Barron, Harry		17 March 1913	26 February 1917
19	Ellison-Macartney, William Grey		9 April 1917	8 April 1920
20	Newdegate, Francis Alexander Newdigate		9 April 1920	16 June 1924
21	Campion, William Robert		28 October 1924	8 June 1931
22	Mitchell, James	Lieutenant Governor	1933	1948
		Governor	5 October 1948	30 June 1951
23	Gairdner, Charles Henry		6 November 1951	26 June 1963
24	Kendrew, Douglas Anthony		25 October 1963	28 August 1973
25	Edwards, Hughie Idwal		7 January 1974	2 April 1975
26	Kyle, Wallace		24 November 1975	16 May 1980
28	Trowbridge, Richard		25 November 1980	24 November 1983
29	Reid, Gordon Stanley		2 July 1984	30 September 1989
30	Burt, Francis Theodore Page		19 March 1990	31 October 1993
31	Jeffery, Michael Philip		1 November 1993	5 May 2000

32	Sanderson, John Murray	18 August 2000	31 October 2005
33	Michael, Kenneth Comninos	18 January 2006	2 May 2011
34	McCusker, Malcolm James	1 July 2011	

Footnotes

1. When Stirling was in England, from August 1832 to August 1834, successive administrators were responsible for the government of the colony.
2. By Letters Patent issued on 20 July 1868, Sir Benjamin Chilley Campbell Pine was appointed Governor but he did not take up the appointment and on 14 April 1869 Frederick Aloysius Weld was appointed "in the room of Sir Benjamin Pine".

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