

40TH PARLIAMENT



Report 46

**STANDING COMMITTEE ON PROCEDURE AND
PRIVILEGES**

Acknowledgement of Country

Presented by
Hon Kate Doust MLC (Chair)
November 2017

Procedure and Privileges Committee

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ISBN 978-1-925578-18-8



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CONTENTS

1	REFERENCE.....	1
2	BACKGROUND TO THE REFERENCE	1
3	APPROACH BY THE PPC.....	2
4	MEMBERS SURVEY	2
5	ACKNOWLEDGEMENT OF COUNTRY.....	2
	What is an Acknowledgement of Country	2
	Noongar (Koorah, Nitja, Boordahwan) (Past, Present, Future) Recognition Act 2016	3
	Practice in the other Australian jurisdictions	3
	Consultation with Dr Richard Walley OAM	4
6	RECOMMENDATIONS	5
	APPENDIX 1 LEGISLATIVE COUNCIL MEMBER SURVEY.....	7
	APPENDIX 2 PRACTICE IN OTHER AUSTRALIAN JURISDICTIONS	9
	APPENDIX 3 ADVICE FROM DR RICHARD WALLEY OAM	13

REPORT OF THE STANDING COMMITTEE ON PROCEDURE AND PRIVILEGES

IN RELATION TO AN ACKNOWLEDGEMENT OF COUNTRY

1 REFERENCE

- 1.1 On 11 October 2017, the Chair of the Legislative Assembly's *Procedure and Privileges Committee* (LAPPC) wrote to the President and Chair of the Legislative Council *Procedure and Privileges Committee* (PPC) to advise that the LAPPC was considering whether to recommend that the Legislative Assembly commence each sitting day with an acknowledgment of country.¹ As a courtesy to the Council, the LAPPC later provided relevant documents, on a confidential basis, to assist the PPC in its own inquiry. The PPC thanks the LAPPC for its assistance.
- 1.2 The LAPPC tabled its report, *Acknowledgement of Country*, on Tuesday, 21 November 2017. The Assembly subsequently agreed to incorporate into its Standing Orders on the first sitting day in 2018 an acknowledgment in the following terms:

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 their Elders both past and present.

- 1.3 This report canvasses the PPC's deliberations and recommendations in relation to a proposed form of words for an acknowledgment of country for the Legislative Council.

2 BACKGROUND TO THE REFERENCE

- 2.1 The PPC had previously noted that the Parliament of Western Australia was the last remaining jurisdiction in Australia to adopt an acknowledgment of country and identified this topic as a possible referral to the committee. The Parliament had recently passed the symbolic *Noongar (Koorah, Nitja, Boordahwan) (Past, Present, Future) Recognition Act 2016* (the *Noongar Recognition Act 2016*) in which both Houses of the Legislature had recognised the Noongar people as the traditional owners of the lands in the south-west of the State of Western Australia. These lands include the parliamentary reserve in Perth on which Parliament House is located. It therefore resolved to inquire into the question of whether the Legislative Council should include in its proceedings an acknowledgment of country.

¹ Notice of the LAPPC's inquiry had been widely reported in the media. See: Dylan Caporn, 'Indigenous nod by MPs on cards', *The West Australian* (Western Australia), 20 September 2017, 14.

3 APPROACH BY THE PPC

- 3.1 Following its self-referral the PPC surveyed all Legislative Council Members on whether an acknowledgement of country should be introduced and a number of other related matters. A copy of the survey is attached at Appendix 1.
- 3.2 The PPC also reviewed the practice, form of words and associated Standing Orders of the Houses of Parliament in the other Australian jurisdictions. A table of the relevant practice in the other Australian jurisdictions is attached at Appendix 2.
- 3.3 To assist in its consideration of this matter, the PPC engaged a cultural expert to provide it with independent advice. The PPC thanks Dr Richard Walley for his expert advice which was provided at short notice. Dr Walley's advice is attached at Appendix 3.

4 MEMBERS SURVEY

- 4.1 On Thursday, 2 November 2017, all 36 Members of the Council were surveyed in relation to whether the Council should adopt an acknowledgement of country. Twenty seven Members responded, representing 75 per cent of the total membership.
- 4.2 The results of the survey indicated that a majority of Members support the introduction of an acknowledgment of country. Of the responses returned, 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 percent of respondents preferred that the acknowledgement be in English.

5 ACKNOWLEDGEMENT OF COUNTRY

- 5.1 In reaching its conclusions regarding whether to recommend that the Council adopt an acknowledgement of country and its form, the PPC considered a number of factors as detailed in the succeeding paragraphs.

What is an Acknowledgement of Country

- 5.2 Reconciliation Australia describes an acknowledgement of country as:

... a way of showing awareness of and respect for the traditional Aboriginal or Torres Strait Islander owners of the land on which a meeting or event is being held, and of recognising the continuing connection of Aboriginal and Torres Strait Islander peoples to their Country.²

² Reconciliation Australia, *Welcome to and Acknowledgement of Country*, <<https://www.reconciliation.org.au/wp-content/uploads/2013/12/QA-welcome-to-country.pdf>>

- 5.3 Significantly, an acknowledgement of country relates to the practice of acknowledging and paying recognition to the traditional owners of the land on which a meeting is being conducted.

Noongar (Koorah, Nitja, Boordahwan) (Past, Present, Future) Recognition Act 2016

- 5.4 In May 2016 the *Noongar Recognition Act 2016* became law. The long title of that Act provides that it is “An Act for the recognition of the Noongar people as the traditional owners of lands in the south-west of the State.”. Section 4 provides that the purpose of the Act is to “recognise the Noongar people as the traditional owners of the Noongar lands” described and shown in the Schedules 2 and 3. Section 5(1) of that Act provides:

5. Recognition of the Noongar people

- (1) *Parliament acknowledges and honours the Noongar people as the traditional owners of the Noongar lands.*

- 5.5 The passage of that Act was largely symbolic in that it did not create new rights or impact other laws.³ However, the PPC notes that the Western Australian Parliament is situated on the Noongar lands and, more specifically, the lands of the Whadjuk Noongar people, as described and represented in schedules 2 and 3 of the Act.
- 5.6 The Parliament of Western Australia and, before it, the Parliament of the Colony has held its sittings on the traditional lands of the Whadjuk Noongar people. Consistent with the legislative acknowledgement given in the *Noongar Recognition Act 2016*, the PPC considers that it is both respectful and appropriate for the Council to include in its proceedings an acknowledgement of country. This acknowledgement may be varied to acknowledge other traditional owners in the event that the House meets at another location.

Practice in the other Australian jurisdictions

- 5.7 In each of the Australian State and Territory jurisdictions other than Western Australia, the Houses of Parliament have adopted a practice and form of words for an acknowledgment of country that is specific to their jurisdiction.
- 5.8 The PPC notes that there is variation in practice across the jurisdictions and even between the Houses of the same jurisdiction. These variations relate to the form of words used and the frequency and timing of the acknowledgement. In relation to the issue of timing, all Australian jurisdictions with the exception of the House of Representatives commence their sittings with prayers followed by an acknowledgement of country.

³ See section 6: This Act does not (a) create any right, title or interest, whether in law or equity; or (b) give rise to or affect any civil claim, action or proceeding; or (c) give rise to or affect any right of review of an administrative decision; or (d) affect the interpretation of any law of, or that applies in, the State.

- 5.9 The PPC notes that the Legislative Assembly of Western Australia will commence their sittings with an acknowledgement of country to be followed by the reading of prayers. This practice diverges from the majority of other Australian jurisdictions, but accords with the majority view of the Council Members responding to the question on whether the acknowledgement should occur before or after prayers.
- 5.10 The PPC recognises that there are divergent views on whether the acknowledgement of country should occur before or after prayers. As a starting point for the House's consideration of this issue the PPC has framed its recommendation consistent with the survey result.

Consultation with Dr Richard Walley OAM

- 5.11 The PPC resolved to engage an independent cultural expert to provide advice on a respectful and appropriate form of words for the Council. On 8 November 2017, the PPC wrote to Dr Richard Walley seeking his advice in relation to a form of words that would provide a concise and respectful acknowledgement of the Whadjuk Noongar people. Several suggested forms of acknowledgement of country were provided to Dr Walley by the PPC
- 5.12 Dr Walley's advice to the PPC was that two of the suggested wordings were suitable. The recommendation from Dr Walley is that the Council adopt one of the following form of words for an 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.

or

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.

- 5.13 The PPC recommends the wording of the first acknowledgement of country because:
- 5.13.1 This acknowledgement reflects the recognition given to the Noongar people expressed in section 5 of the *Noongar Recognition Act 2016* as traditional owners rather than custodians; and
- 5.13.2 This acknowledgement reflects the entire membership of the House as opposed to one given by its Presiding Officer in the first person.
- 5.14 The suggestion by Dr Walley that the Noongar words for *Hello* and *Welcome* be included in the acknowledgement is one that the PPC suggests would be better

addressed during the debate on its recommended form of words for an acknowledgement of country.

6 RECOMMENDATIONS

6.1 The PPC recommends:

6.1.1 That the Council adopt an acknowledgement of country as is the practice of all other Australian Houses of Parliament; and

6.1.2 That the Council commence each sitting day with an acknowledgement of country consistent with the majority of Australian Houses of Parliament; and

6.1.3 That the acknowledgement of country precede the Legislative Council Prayer and the Lord’s Prayer.

6.2 Accordingly, the PPC makes the following recommendations:

Recommendation 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.

Recommendation 2:

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

To delete paragraph (a) and insert —

(a) acknowledgement of country and prayers;

Hon. Kate Doust MLC

Chair

30 November 2017

APPENDIX 1
LEGISLATIVE COUNCIL MEMBER SURVEY

- (1) Should the Legislative Council introduce an Acknowledgment of Country?
Please circle the appropriate response indicated below:

YES

NO

COMMENTS _____

- (2) If the Council adopts an Acknowledgement of Country, should it be read before prayers or after prayers?

Please circle the appropriate response indicated below:

BEFORE

AFTER

COMMENTS _____

- (3) If the Council adopts an Acknowledgement of Country, should it be read —
- (a) at the commencement of each sitting day; or
 - (b) on the first sitting day of the calendar year; or
 - (c) at the first sitting day following a recess; or
 - (d) some other alternative arrangement/please specify below:

COMMENTS _____

- (4) If the Council adopts an Acknowledgement of Country, should it be read in an accompanying language other than English?

Please circle the appropriate response indicated below:

YES

NO

COMMENTS _____

- (5) Do you wish to provide any further comments or information?

COMMENTS _____

APPENDIX 2

PRACTICE IN OTHER AUSTRALIAN JURISDICTIONS

House	Standing Order	Form of Words
House of Representatives	38	(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	(after 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.
NSW – LA	39	(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 – LC		(after prayers): I acknowledge the Gadigal clan of the Eora Nation and its elders, and thank them for their custodianship of this land.
VIC – LA		(adopted earlier this year, words recommended by Aboriginal Affairs Victoria, 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.
VIC – LC		(after prayers): 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		(after prayers): Honourable Members, for this week's sitting, I respectfully acknowledge the Traditional Custodians of the land upon which this Parliament is assembled.
SA – LA		(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.
SA – LC		(after prayers): 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.
TAS – LA	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. Form of words: We acknowledge the traditional people of the land upon which we meet today, the Mouheneener people.
TAS – LC		** appears to follow the same practice as the Tasmanian Legislative Assembly: Tuesday 14 March 2017, The President, Mr Wilkinson, took the Chair at 11 a.m. acknowledged the Mouheneener People and read Prayers. (acknowledgement read before prayers)
NT	Sessional Order 6	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	30	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.
WA – LA	20 (to commence first sitting day 2018)	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 respects to their Elders both past and present.

APPENDIX 3

ADVICE FROM DR RICHARD WALLEY OAM

I thank you for the opportunity to provide advice on the Acknowledgement of Country for the Legislative Council.

I agree with the options:

LC option 1 (House acknowledgement — consistent with the *Noongar (Koorah, Nitja, Boordahwan) (Past, Present, Future) Recognition Act 2016*):

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 (Presiding Officer acknowledgement):

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.

My only suggestion would be the inclusion of the following Nyoongar words at the beginning of each Acknowledgement:

“**Kaya Wanju**” (meaning - **Hello, Welcome**)

(phonetics – kaya – ky (as in sky) - aah) & (Wanju - wand-dew)

Many thanks to the LCWA PPC for considering the inclusion of the Acknowledgement of our country and our people. It is most appreciated and I would like to say that we do not take this gesture for granted, as the Acknowledgement is the ultimate sign of respect for our people.

Kind regards

Dr Richard Walley OAM

Procedure and Privileges Committee

Date first appointed:

24 May 2001

Terms of Reference:

The following is an extract from Schedule 1 of the Legislative Council Standing Orders:

'1. Procedure and Privileges Committee

- 1.1 *A Procedure and Privileges Committee is established.*
- 1.2 The Committee consists of 5 Members, including the President and the Chair of Committees, and any Members co-opted by the Committee whether generally or in relation to a particular matter. The President is the Chair, and the Chair of Committees is the Deputy Chair, of the Committee.
- 1.3 With any necessary modifications, Standing Order 163 applies to a co-opted Member.
- 1.4 The Committee is to keep under view the law and custom of Parliament, the rules of procedure of the Council and its Committees, and recommend to the Council such alterations in that law, custom, or rules that, in its opinion, will assist or improve the proper and orderly transaction of the business of the Council or its Committees.'



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