

Lands Act, and the Petroleum (Submerged Lands) Act.

At present, the State has a tenuous authority over jetties, harbour works and other constructions in the sea, and the State Minister for Mines as the designated authority, has granted petroleum leases and supervised the exploration of the offshore area in regard to gas and petroleum.

The Commonwealth now takes the view that, since the passage of the Seas and Submerged Lands Act, it has the ultimate sovereignty, and therefore, the real threat exists that a Commonwealth Government of another colour could repeal the existing Act and substitute a new Act purporting to take over full control for the Commonwealth.

In the Tidelands Cases— (I) United States v. California, 1947; (II) United States v. Louisiana, 1950; and (III) United States v. Texas, 1950, — the United States Supreme Court upheld the claims of the central United States Government in relation to paramount rights in the territorial sea and sea bed.

The United States Congress, at the request of the States, by Public Law 31, cited as the Submerged Lands Act 1953, re-vested the sovereignty in the States, preserving for the central Government paramount rights in relation to the constitutional purposes of navigation, defence, and international affairs.

I ask the present Commonwealth Government to follow the United States, example and re-vest in the States sovereignty over the sea and sea bed, retaining the control of defence and foreign affairs, as intended by the founders of the Australian Constitution.

To summarise, the time has come when the need for a continuing partnership between Federal and State Governments must become an accepted fact with all the voters in Australia.

The States must be entrusted with a larger share of the central Government's responsibilities, and must be able to share growth revenues with the Federal Government, so that they can meet those responsibilities.

We should be seeing how we can decentralise functions, powers, and responsibilities in the best interests of the Australian people.

The problem in Australia has been that the fiscal power of the States has not matched their political power, and, as a result of this disequilibrium, the fact that they have not had matching fiscal powers to what has been their constitutional political responsibility has resulted

in a centralisation of decision-making in the hands of the Government that has the money power.

A measure of political power or authority is the ability to make spending decisions. If a Government does not have the ability to raise funds, it ends up losing the ability to make the decisions.

To conclude, in federalism one lays the firmest foundations of both individual rights and real progress—the firmest foundation for preserving the character of the States and the very best provision for the security of the Commonwealth of Australia.

**THE HON. W. M. PIESSE** (Lower Central) [4.20 p.m.]: I formally second the motion.

Debate adjourned, on motion by the Hon. D. K. Dans (Leader of the Opposition).

*House adjourned at 4.21 p.m.*

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## Legislative Assembly

Tuesday, the 24th May, 1977

### MEETING OF THE ASSEMBLY

The Legislative Assembly met at 11.00 a.m.

#### PROCLAMATION

The Clerk of the Assembly (Mr B. L. Okely) read the proclamation of His Excellency the Governor (Air Chief Marshal Sir Wallace Kyle, G.C.B., K.C.V.O., C.B.E., D.S.O., D.F.C., K.St.J.) summoning the first session of the Twenty-ninth Parliament.

#### OPENING PROCEEDINGS

*Message from the Governor's Senior Commissioner*

A Message from His Excellency's Senior Commissioner (His Honour Mr Justice Burt) requested the attendance of members of the Legislative Assembly in the Legislative Council Chamber. Members accordingly proceeded to that Chamber; and, having heard the Commission to do all things necessary for the opening of Parliament, returned to the Legislative Assembly Chamber.

#### SWEARING-IN OF MEMBERS

His Honour, Mr Justice Lavan, Senior Puisne Judge of the Supreme Court of Western Australia, having been commissioned by His

Excellency the Governor, entered the Chamber to administer to members the Oath of Allegiance to Her Majesty, or the affirmation required by law, and was conducted to the Chair. The Commission to swear-in members having been read, the Clerk produced the writs for the general election, held on the 19th February, 1977, showing names of the members returned. These members—with the exception of Mr Tonkin and Mr Bertram—took and subscribed the Oath, or made and subscribed the affirmation required by law, and signed the Roll.

The Commissioner then retired from the Chamber.

### ELECTION OF SPEAKER

**SIR CHARLES COURT** (Nedlands—Premier) [11.46 a.m.]: The House being duly constituted, I move—

That Mr Ian David Thompson do take the Chair of this House as Speaker.

**MR O'NEIL** (East Melville—Deputy Premier) [11.47 a.m.]: I second the motion.

**MR THOMPSON** (Kalamunda) [11.47 a.m.]: I submit myself to the will of the House.

There being no other nomination, Mr Thompson was conducted to the Chair by the mover and seconder of the motion.

**THE SPEAKER** (Mr Thompson) [11.48 a.m.]: I thank members for the signal honour they have conferred upon me, and I now assume the Chair of this House as Speaker.

**SIR CHARLES COURT** (Nedlands—Premier) [11.49 a.m.]: Mr Speaker, on behalf of those who sit with me on this side of the House, I convey to you our congratulations on your elevation to this high office. You follow in the footsteps of some very illustrious Speakers—men who have brought great dignity to this Chamber and to the Parliament; men who have striven over the years to uphold the privileges as well as the dignity of this Parliament.

The lot of the Speaker, of course, is not always an easy one; although there are many precedents for you to follow, sometimes members hold widely differing views as to how these precedents should be interpreted. Also, life being what it is, there is always something new or something different arising as we go through our various procedures. However, I am certain, because of your great experience as Chairman of Committees and the conscientious way in which you approached your duties as a member of Parliament, you will continue to do what is right and proper by all

members of this Parliament and particularly of this Assembly Chamber.

Of course, as Speaker you will find life a little different compared with being a member of the Parliament in the ordinary way. I remind you in all kindness, and with a certain amount of humour, of a remark made by one very illustrious holder of the office of Speaker in this Parliament. He said that while he was Speaker he could ask no questions, he could make no speeches, he could not represent the Government as a member of the Government, but that during the considerable time he was in the Chair, his majority increased. It is also recorded history that when he left the Chair and he could ask questions and make speeches, he was not elected the next time he presented himself to his electors. Perhaps there is a moral in the story! However, on behalf of all who sit with me, I congratulate you and wish you well in this high office. I have every confidence that you will, to the utmost of your ability, fulfil the position with dignity and efficiency.

**MR JAMIESON** (Welshpool—Leader of the Opposition) [11.51 a.m.]: On behalf of the Opposition members I too would like to congratulate you, Mr Speaker, on your elevation to the high office of Speaker. I think you will be the ninth Speaker to hold this office during the time the Premier and I have sat in the Parliament. All these men had their own particular traits, and most of them were near the end of their political careers when they took the Chair. I hope that this will not signify anything in your case, and I am rather sure, knowing your electorate, that it will not. A different attitude could arise in the case of a young Speaker who has his political career before him; his aspirations could guide his decisions. However, we hope that you will follow the example set by the many previous Speakers to whom the Premier referred, and that your determinations will be fair and equitable to all. I am sure you will endeavour to follow this course, and, as my predecessor in office remarked on a similar occasion about three years ago, if you do not, we will be the first to tell you. We hope that the relationship between you and the members of this House—both Government and Opposition members—will remain one of a chairman who holds a very honourable position and who makes his decisions with a sense of fairness and justice to all concerned.

**THE SPEAKER** (Mr Thompson) [11.53 a.m.]: I thank the Premier and the Leader of the Opposition for their remarks. In regard to my political future or my future as a member of Parliament, I prefer to think in terms of the

Premier's remarks than in terms of the remarks of the Leader of the Opposition.

In my reading of the traditions of our Parliament, it became clear that many years ago a person elected to the office of Speaker was usually very reluctant to take the Chair. In fact, it was a tradition in the House of Commons that the person chosen to be Speaker had to be dragged to his seat. This reluctance was brought about by the fact that a Speaker sometimes lost his head when his decisions did not please certain people. I did not demonstrate that reluctance today because of the obvious bulk of the Premier and his Deputy; it was little use my struggling as I would have reached here anyway.

I believe our system of democracy is the envy of many countries and many people around the world. Unfortunately we meet at a time when democracy is under some change. Some time ago an article in an international magazine featured a map showing the shrinking number of democracies. This illustrates to us that we have a very grave responsibility; we must ensure that the system under which we operate is in no way brought into disrepute. It will be my aim during my term in this office to conduct myself in such a way as to ensure I will leave the office without the institution having suffered in any way, having been brought into disrepute or downgraded in any other way.

I thank members for the confidence they have placed in me in electing me their Speaker.

#### PRESENTATION OF SPEAKER

**SIR CHARLES COURT** (Nedlands—Premier) [11.56 a.m.]: Mr Speaker, I desire to announce that his Excellency the Governor will be pleased to receive the Speaker-elect and such honourable members as desire to accompany him tomorrow afternoon at a time convenient to the Governor.

**THE SPEAKER:** I will now leave the Chair to a date and time to be advised to honourable members.

*Sitting suspended from 11.57 a.m. on the 24th May, 1977, to 3.00 p.m. on the 28th July, 1977.*

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Thursday, the 28th July, 1977

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The SPEAKER (Mr Thompson) resumed the Chair at 3.00 p.m.

#### PRESENTATION OF SPEAKER

**THE SPEAKER** (Mr Thompson): I desire to

report that accompanied by the member for Cottesloe, the member for Gosnells, the member for Melville, and the member for Mundaring, I submitted myself to His Excellency the Governor on Wednesday, the 25th May, and, on behalf of the House, laid claim to its undoubted rights and privileges, and prayed that the most favourable construction be placed upon its proceedings; and that His Excellency has been pleased to express his satisfaction at the choice of the Assembly in the following terms—

Mr Speaker,

It is with much pleasure I learn that you have been elected by the Members of the Legislative Assembly to the high and honourable office of Speaker of that House.

I have every confidence that you will fill the office in a worthy and dignified manner.

(Sgd.) Wallace Kyle,  
Governor.

#### SPEAKER'S COMMISSION

**THE SPEAKER** (Mr Thompson): I wish to report also that I have received from His Excellency a Commission to swear in honourable members and this I hand to the Clerk to read to the House.

The Commission was read.

#### SWEARING-IN OF MEMBERS

**THE SPEAKER** (Mr Thompson): I desire to announce that before me on the 12th July last Mr Ronald Edward Bertram did take and subscribe the Oath of Allegiance according to law.

I am prepared to swear-in the member for Morley.

Mr Tonkin took and subscribed the Oath of Allegiance, and signed the roll.

#### SUMMONS FROM THE GOVERNOR

The Speaker and members, in response to summons, proceeded to the Legislative Council Chamber and, having heard His Excellency deliver the opening Speech (*vide* Council report *ante*), returned to the Legislative Assembly Chamber.

#### EDUCATION

*Bayswater School: Petition*

**MR BRYCE** (Ascot) [3.40 p.m.]: I have a petition to present to the House. It is as follows—

Mr Speaker,