

## ROAD FUNDS

### *Allocation to Rural Local Authorities*

2. The Hon. H. W. GAYFER, to the Minister for Transport:

- (1) What amount of State finance for roadworks is expected to be made to rural local authorities this financial year as against last?
- (2) If this figure shows a reduction can the House be informed of the reason for that reduction?
- (3) What is expected to be the total amount of State funds to be allocated to roadworks in Western Australia this financial year as against last?

The Hon. D. J. WORDSWORTH replied:

- (1) and (2) Because total Federal road funds granted to Western Australia rose by only \$1.781 million this financial year, and there have been violent changes in the categories into which these funds have been allocated, including a reduction in urban arterial funds of \$9.69 million, the State was forced to lower its allocation of State funds to unclassified rural local roads from \$3.569 million in 1976-77 to \$2.274 million in 1977-78, a reduction of \$1.29 million.

It must be obvious to members that the State department responsible for planning future road development, the Main Roads Department, has to plan years ahead, purchasing land, contracting for bridge construction and building up a skilled labour force and plant; and that such violent fluctuations as cutting urban arterial funds in half cannot be accommodated.

We strongly believe that the Federal Government should not create categories and make hard and fast allocations.

- (3) The total amount of State funds allocated to roadworks in Western Australia is \$43.650 million this financial year compared to \$42.116 million last year.

## JUSTICES ACT AMENDMENT BILL

### *Leave to Introduce*

**THE HON. G. C. MacKINNON** (South-West—Leader of the House) [3.55 p.m.]: In order to assert and maintain the undoubted rights and privileges of this House to initiate legislation, I move, without notice—

For leave to introduce a Bill for an Act to amend the Justices Act, 1902-1976.

Question put and passed; leave granted.

### *Introduction and First Reading*

Bill introduced, on motion by the Hon. G. C. MacKinnon (Leader of the House), and read a first time.

## GOVERNOR'S SPEECH

### *Distribution of Copies*

**THE PRESIDENT** (The Hon. Clive Griffiths): I have to announce that for the sake of accuracy I have obtained copies of His Excellency's Speech which will now be distributed to members.

## ADDRESS-IN-REPLY: FIRST DAY

### *Motion*

**THE HON. R. G. PIKE** (North Metropolitan) [3.58 p.m.]: I move—

That the following address be presented to His Excellency—

May it please Your Excellency:— We the Members of the Legislative Council of the Parliament of Western Australia in Parliament assembled, beg to express our loyalty to our Most Gracious Sovereign and to thank Your Excellency for the Speech you have been pleased to deliver to Parliament.

Mr President, I congratulate you on your election to the office of President of the Legislative Council. You have a record of competence, sincerity and application in this Parliament, and I know that you will go on to become an outstanding President of the Legislative Council.

I also desire to associate myself with the comments the Governor made in regard to the late Jack Heitman. I first came to know Jack Heitman approximately 20 years ago, when I was a newly-elected councillor in local government and Jack was the President of the Local Government Association—an office he carried out with dignity, with results, and wherein he showed the ability that he was subsequently to display continuously as a member of this Legislative Council.

Jack Heitman was a big man, in stature, integrity, and certainly in thought. Those many years ago he gave me advice and guidance which I very much appreciated. Honesty was his stock-in-trade, and it never failed him once. He was a most approachable man with a sensible down-to-earth approach to all problems. If one had a good sense of humour, one was more often than not his

friend. To take oneself too seriously, or to imagine oneself to be too important, was most unwise in the presence of Jack. A task done for him was always gratefully acknowledged. To Jack Heitman principles were something one lived by; not just something to which one gave lip-service. His wife and family have certainly lost a fine husband and a wonderful father; and we, in the Parliament of Western Australia, have lost a true Liberal and a true friend.

I now mention my predecessor, Sir Arthur Griffith. He was elected to Parliament in 1950. Thus, on his recent retirement, he completed 27 years as a member of this Parliament. During his career he filled the place of the Leader of the Government and Leader of the Opposition in the Legislative Council. He held major portfolios, including Mines, Housing, and Justice. When he relinquished the leadership of his party in 1974 he was elected President of the Legislative Council. He did not seek re-election in 1977 and was appointed Knight Bachelor by the Queen.

Sir Arthur Griffith is not with us today because, I understand, together with Sir Ross Hutchinson, he has gone to the United Kingdom to receive his accolade. His is a record of performance and achievement which must be one of the most outstanding in this Parliament.

I am aware that since this is opening day brevity will be welcomed. I think it is appropriate for a member, during his maiden speech, to declare some of his political philosophy. I can best do this by talking about federalism and centralism. The subject of federalism and centralism is the paramount issue facing this State at the present time and, indeed, it has been the really paramount issue facing this state and all the other States and the Commonwealth of Australia.

At the outset I declare I am a federalist and I intend to remain one. My speech today can be placed under four headings. The first is "the definition of federalism and centralism"; the second is "federalism and centralism under the Liberal Party and its administration"; the third "centralism under the Labor Party and its administration"; and the last heading is, "the Commonwealth Government's Seas and Submerged Lands Act and the Petroleum (Submerged Lands) Act".

Federalism is defined as an effective method of decentralised government over large and scattered areas. It guarantees and stabilises the institution of State and regional self-Government, and heightens the awareness of responsibility; at the

same time it provides the opportunity for its exercise.

I believe that in the division of power between a central Government and a State Government there resides one of the true protections of individual freedoms. Local initiative, and understanding of conditions in each State, give rise to far more originality and ingenuity in new schemes and policies of industrial and agricultural development than could a remote centralised Government.

If one cannot get through to one's local council, how can one get through to massive centralised authority in Canberra? Can anyone remember the last time a major industry was established in this State by the initiative of the Commonwealth Government?

Centralism, in the political sense, is defined as the concentration of all administrative power in a central authority. The Liberal Party has, and always has had since 1949, a sense of mission in regard to federalism, and as we begin our plunge into the 1980s, it is well for us to remember that in 1949 Australia was entrenched with wartime controls. The central Government in Canberra liked this power and under Chifley, it did not want to relinquish it when the war was over. The Australian people sensed that the ordinary freedoms could be endangered if overriding wartime centralist bureaucratic controls were carried permanently into the peace. They became aware then, as they are now, that centralism sterilises rather than fertilises the system, and they were becoming aware of the dangers of arrogant centralist control.

My second heading is "federalism and centralism under the Liberal Party and its administration". We support fully the concept of federalism in which there are three areas of government—Federal, State, and local—and in which the powers and functions are distributed to achieve a continuous response and to provide an effective barrier against centralist authoritarian control.

Our policy says that federalism is not merely a structural concept. Its principal justification is a philosophical one; it aims to prevent the dangerous concentration of power in a few hands. In doing so it provides a guarantee of political and individual freedom. Having enunciated this policy I say this: over the years there has been a tendency for Liberal Governments in Canberra to give a supine lip service to a federalist policy whilst in fact pursuing a centralist policy, thus handing to our political opponents a mass of precedents to such an extent that the federal

system was starting to become a mere formality and centralism was becoming a reality without the people even being consulted.

There was a massive acceleration of centralism while the then John Gorton was Prime Minister of this country and, frankly, I think it needs to be said publicly in a forum such as this that we, as a party, are aware of the continuing responsibilities to preserve federalism and to fight centralism wherever it rears its head. Under Gorton power began to be concentrated on the centre.

Under the then William McMahon, there can be no doubt that we were seduced by the seeming compulsion to stay in office and we were led astray from basic Liberal philosophy, until the voters were unable to identify the free-enterprise philosophy and opted for the Australian Labor Party socialists.

This leads me to my third heading which is, "centralism under the Labor Party and its administration."

During the recent Labor Party Federal Conference, the policy decision made under the heading, "National and State Constitutions" was—

The Senate and the Legislative Councils to be abolished.

This wearisome statement of intent by the socialist Labor Party, to remove the Senate and, in Western Australia, the Legislative Council, bodes ill for true democracy in this country. To add to this, Mr Whitlam said in the Chifley Memorial Lecture—

Much can be achieved by Labor members of the State Parliaments in effectuating Labor's aims of more effective powers for the national Parliament and for local government. Their role is to bring about their own dissolution.

Remember, centralism in government has always been a feature of socialist Labor Governments. Mr Whitlam also said in his Chifley Memorial Lecture—

There are few functions which the State Parliaments now perform which could not be better performed by the Australian Parliament.

There are times when Labor spokesmen seek to pretend that they support the Federal system, and on the evidence I have just given members, it is clear that they do not. They support it only to the extent that they want to use the system to destroy it, and to replace it with a unitary centralist system of government. Labor's brand of

federalism is nothing else but coercive federalism or centralism.

The Liberal Party knows that a strong Federal system of government, strong in all its parts, is one of the strongest bulwarks against nationalisation and socialisation, should a Labor Government be returned federally.

Conversely, State Governments, weakened in their rights, powers, and efficiency, can be only an ineffectual safeguard against such doctrines.

Under the last Federal Labor Government, centralism was on the rampage. It became a clutching, centralist Labor socialism. It must be remembered in today's Australia, and certainly in the Australia of the 1980s, that those of us who are not Labor socialists frequently have been charged with being reactionaries; with wanting to turn the clock back.

In the modern world, in the modern Australia, this is quite untrue. The truth is, in Australia, it is the nonsocialists—the Liberals and the Country Party—who have moved with the times. The tendency world-wide now, as evidenced in the United Kingdom, Wales, Scotland, Canada and the United States of America, is for greater federalist government and dissemination of real authority.

The reason for this is that centralism has failed. There is a realisation of the limit that human nature places on the abilities and effectiveness of centralised government. The devolution of power to the States is attracting supporters all over the advanced world.

Considering what I have had to say today about the policies and performance of the Labor Party in regard to centralism, and of the Liberal Party in regard to centralism and federalism, I am ever-mindful of the degree of control exercised by the parties over their members of Parliament.

Labor's policy is that the parliamentary member is a delegate, whose role at all times is to express the majority decisions of the body controlling his party, even down to matters of detail, whereas under the Liberal Party "trustee concept", we only advise our parliamentary members as contrasted to the Labor Party directing its members with iron fist discipline.

This difference is a tremendous one, and I go on to say as a Liberal member of this Parliament that our party attitude must exist and continue to exist, in fact as well as in theory, if the Liberal Party is to remain viable.

This leads me to my fourth point, which relates to the Federal Government's Seas and Submerged

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