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REPORT OF THE
SELECT COMMITTEE ON
WEST AUSTRALIAN/SOUTH AUSTRALIAN
BORDER CHECKPOINT

Presented by the Hon. Philip Lockyer MLC (Chairman)

November 7, 1996

A. INTRODUCTION

1. ESTABLISHMENT AND TERMS OF REFERENCE

1.1 The Select Committee on the Western Australia/South Australia Border Checkpoint was established by the Legislative Council on Thursday, May 2 1996, by order in the following terms:

- (1) That a Select Committee be appointed to inquire into and report on the reasons for the decision to locate the Western Australia - South Australia quarantine checkpoint at a place other than Eucla and the likely effects implementation of that decision will have on the local community.
- (2) That the Committee have power to send for persons, papers and records to travel from place to place, to report to the House from time to time.
- (3) That the Committee report finally not later than Thursday, August 22, 1996.

2. COMMITTEE MEMBERSHIP

2.1 On Thursday, May 2 1996, the Hon. P H Lockyer MLC, moved the following motion:

That the Hons. Mark Nevill, P R Lightfoot and the mover be appointed members of the Committee and that the Hon P H Lockyer be appointed Chairman.

This motion was agreed to without debate.

3. COMMITTEE MEETINGS

3.1 The Committee met to deliberate and take evidence from witnesses on Monday, May 13th 1996, Friday, May 17 1996, Saturday, May 18 1996, Monday, May 20 1996, Monday, May 27 1996, Tuesday, June 4 1996, Wednesday, August 21 1996, Wednesday, October 23 1996, Thursday November 7 1996.

4. WITNESSES

4.1 The Committee met with and took oral evidence from Mr Gediminas 'Steve' Patupis, Business Proprietor, Eucla, Mr Robert Walton, Sergeant of Police at Eucla, Ms Diane Wynne, Remote Area Nurse for Silver Chain, Mr Brian Pike, Manager Border Village, Eyre Highway, Mr Peter Brown, Shire President Dundas Shire, Mr Edwin Gilbert, Shire Clerk, Shire of Dundas, Mr Warren McCleay, Councillor, Shire of Dundas, Mr Brett Belstead, Regional Manager, Main Roads Western Australia, Kalgoorlie/Esperance Region, Mr Robert Menzies, Principal Engineer, Land Development, Halpern Glick Maunsell Pty Ltd, Mr Gregory Pickles, Agriculture WA, Mr Roger O'Dwyer, Executive Director, Industry Resource Protection Program, Agriculture WA, Mr Donald Harrington,

Director/Shareholder D G Fletcher Holdings Pty Ltd, Mr Donald Waugh, CPA and Shareholder of D G Fletcher Holdings Pty Ltd, Mr Frank Williams, Inspector in charge WA Quarantine area Inspection Services, Mr Gregory Bell, Compliance Officer, Agriculture WA, Mr Michael Harris, Assistant Under Treasurer, Treasury Department, and Hon W L Grayden, a former Member of the State and Commonwealth Parliaments.

5. DOCUMENTATION RECEIVED BY COMMITTEE

5.1 The Committee received written documentation from the following people, Mr Steve Patupis, Mr & Ms V J Allan, Ms Joanne Deliu, Mr Greg Pickles, Mr Donald Harrington, Mr F T Williams, Mr R O'Dwyer, Agriculture WA and the Dundas Shire Council, either by way of a request from the Committee or tendered as part of their evidence by witnesses appearing before the Committee.

5.2 The Documents included the following:

- (a) Road survey figures obtained at Balladonia, Laverton, Ruby Plains and Nicholson.
- (b) Prosecution report regarding farm machinery which entered the State illegally.
- (c) Update on work undertaken by private contractors working for Main Roads on the refurbishment of the Border Village Resort airstrip.
- (d) Eyre Highway Interstate Checkpoint - site location.
- (e) Documentation received by the Agriculture Protection Board of WA from the Australian Taxation Office with regards Fringe Benefits Tax.
- (f) Specification for the contract operation of Quarantine Inspection Checkpoints.
- (g) Copy of a tender submitted to the Agriculture Protection Board from an interested party to operate the quarantine services in Western Australia.
- (h) Report from Mr G F Bell (Project Co-ordinator Construction) for the Eyre Highway Interstate Checkpoint.
- (i) Copy of the review, requested by Mr R Gwynne, Principal Officer Western Australian Quarantine and Inspection Service, provided by Mr F T Williams, Inspector in Charge Western Australian Quarantine and Inspection Services.
- (j) Copy of the corporate Structure of D G Fletcher Holdings Pty Ltd (T/A WA/SA Border Village).
- (k) Letter from Mr Donald B Harrington to the Premier for and on behalf of

the Directors/Shareholders of D G Fletcher Holdings Pty Ltd.

- (l) Copy of a document entitled "Key Decision Making Steps" which relates to the relocation of the checkpoint prepared by Mr Greg Pickles, Manager Vertebrate Pest Program; and
- (m) copy of the Minutes of the Eyre Highway Interstate Checkpoint Consultative Committee Meeting held at the Eucla Community Hall on August 17, 1995.

6. TOUR OF INSPECTION AND INTERSTATE TRIP

The Committee agreed at its first meeting that it would undertake a tour of inspection of Eucla, the Eyre Highway at Eucla and the border and the Border Village to familiarise itself with the geographical layout for the siting of the relocated checkpoint.

It was also agreed at this visit to take evidence from interested persons at Eucla and on the Committees return to Perth to stop at Norseman and meet with Members of the Shire of Dundas.

To this end the Committee visited Eucla and Norseman on Friday, May 17 and Saturday, May 18 1996.

The Committee also resolved to visit Adelaide between August 2 and 5 1996, to meet with and hold discussions with the Hon Graham Gunn MLA, Speaker of the House of Assembly and Member for Eyre, in whose electorate the current South Australian checkpoint at Ceduna is located together with Hon Rob Kerin MHA, Minister for Primary Industry and his officials at the Department of Primary Industry.

B. MATTER GIVING RISE TO THE ESTABLISHMENT OF THE SELECT COMMITTEE

7. PETITION

- 7.1 On March 27 1996, the Hon P H Lockyer MLC presented a petition from 156 residents of Western Australia in the following terms:

" We the undersigned residents of Western Australia appeal against the decision by the State Minister for Agriculture to locate the Eyre Highway Interstate Checkpoint (EHIC) along with a new one-stop tourism centre away from Eucla at the WA/SA border, and appeal that same be located on Eyre Highway at Eucla.

We note that Eucla is an old-established, vibrant tourist complex. It was established in 1967 with enticement from the Government of Western Australia as the entry point into the State, 12 km west of the WA/SA

border because of better water supply and outstanding scenic attractions. Any attempt to establish the checkpoint and a new one-stop tourism centre on the border would destroy the economic viability of the WA Eucla tourist complex, making the South Australia tourist industry the beneficiary. We submit that location of the EHIC and new one-stop tourism centre on the border would siphon roadside trade away from Eucla to South Australia causing very considerable loss of trading revenue, deprive Eucla of significant business development, and stunt the growth of Eucla township.

We further submit that location of the EHIC at Eucla township would be to the advantage of the EHIC itself by having a safer site with a longer straight-line, level approach from the relevant eastern direction, having more secure and better quality electricity and water supplies from Western Australian instead of South Australian sources, reduced or eliminated travel for EHIC personnel between home and checkpoint, and greater operational security through proximity to police and emergency services.

We finally submit that arguments for EHIC being located at the WA/SA border in anticipation of eventual shared operation with South Australia, and for the benefit of keeping in dissemination of WA tourism information to interstate arrivals, are spurious because a South Australian participation, if ever, would be as likely when the EHIC was at Eucla as when it was at the border, and dissemination of Western Australian tourism information to interstate arrivals would be better done at Eucla, which already has a tourism complex, significant tourist attractions and services.

Your petitioners therefor humbly pray that the Legislative Council will cause the Government to revoke the decision to locate the Eyre Highway Interstate Checkpoint at the WA/SA border, and to locate same along with any new on-stop tourism centre on Eyre Highway at Eucla township.

8. MINISTERIAL PRESS RELEASE

On January 25 1996 the Minister for Primary Industry, the Hon Monty House MLA, announced that security against diseases, pests and weeds entering the State would be strengthened with the re-location of the quarantine checkpoint from Norseman to the Western Australian and South Australian border.

The Minister also announced that a site adjacent to the South Australian Border Village Roadhouse on the WA/SA border had been chosen as the most appropriate site.

This site was chosen ahead of the Eucla townsite some 12 kms from the border.

The Minister indicated that by locating the checkpoint at the border, there was the possibility of it becoming a future joint operation with the South Australian Government, which operates a quarantine checkpoint at Ceduna, 500 kms to the east.

Apart from the possible joint operation with the South Australian Government, the Minister pointed out that the Norseman facility was some 700 kms from the border and

provides no protection for the Nullarbor area and further by siting the checkpoint at the border it would eliminate any confusion over which States' laws applied when transporting livestock or fruit across the border.

Finally, the Minister said by building the checkpoint adjacent to the South Australian Border Village Roadhouse, it would pave the way for a one-stop tourist centre for those entering Western Australia.

C. BACKGROUND, CONCLUSIONS, COMMENTS AND RECOMMENDATIONS.

The formation of the Select Committee inquiring into the West Australian/South Australian Border Check Point was formed in the Legislative Council after a petition was presented to the Parliament by residents of the Nullarbor region, with regards to the decision taken by the Western Australian Government to re-locate the agriculture quarantine checkpoint from Norseman, to the West Australian/South Australian border.

Three members of the Legislative Council, the Hon Ross Lightfoot MLC, the Hon Mark Nevill MLC and the Hon Philip Lockyer MLC were appointed by the Legislative Council to inquire into the circumstances and reasons for this decision, and report back to the Parliament.

The Committee has considered matters relating to the decision taken by the Western Australian Government, which included a visit to Eucla, to the West Australian/South Australian border (an area known as Border Village), to Norseman and to Adelaide, South Australia. Evidence was taken from a wide cross section of the community who are involved directly or indirectly with the decision of the Government.

Evidence has been obtained from various Government Departments involved in the decision, including the Agricultural Protection Board, the Main Roads Department, the Shire of Dundas, officials of the State Treasury and the Western Australian Police Service.

Evidence has been presented to the Committee, which suggests the decision taken for the re-location from Norseman to the border, was brought about by concern, that the checkpoint needed to be closer to the West Australian/South Australian border due to the risk associated with the possibility of motor vehicles or travellers being able to branch off at Balladonia and travel through the South Coast regions of the State without coming into contact with the quarantine checkpoint at Norseman.

Evidence was also brought before the Committee advising that the funding of the shift was brought about by an amount of money being refunded from the Australian Taxation Office (ATO) with regards to a claim by the Agricultural Protection Board against charges levelled by the ATO through Fringe Benefit Tax. This refund of money was placed into the credit of the Agricultural Protection Board accounts, and Cabinet subsequently approved the decision to have the money applied to fund the cost of shifting the checkpoint from Norseman.

From evidence given to the Select Committee, it is apparent that no proper analysis of the existing risks at other points of entry into Western Australia by vehicles, shipping and aircraft, was undertaken. It is not clear whether this expenditure will afford the greatest protection to agriculture in Western Australia.

The Committee was concerned with the reasons given, particularly by the Minister for Primary Industry, that the decision taken to place the checkpoint straddling the West Australian/South Australian border was taken for the following reasons:-

- (a) that the road geometry and traffic safety is superior to the site at Eucla;
- (b) that it was assumed that the South Australian Government would make a decision to relocate their checkpoint from Ceduna in South Australia to make it a joint West Australian/South Australian checkpoint; and
- (c) other minor matters with regards to the cost of electricity, the establishment of a one-stop tourism centre and the possibility of the incorporation of a border weighbridge system for vehicles, were also a matter that was claimed by the Department of Primary Industry as reasons for the site at the border.

The Committee closely examined the first decision, that the Main Roads Department had indicated that the West Australian/South Australian border site was superior to that at Eucla.

When evidence was given by the Main Roads Department this was found to be incorrect. The case for both the sites, at Eucla and the border, could be quite easily made for the advantage of both areas. In fact, the Divisional Engineer made it evident that sitings at either location would be perfectly safe and acceptable to all concerned.

The Committee therefore, considered that this was not an area where there were major advantages to one or the other particular localities. The question of safety was discussed at length with relevant authorities, particularly the Western Australian Police Service who made it clear that as far as they were concerned there was no doubt whatsoever that the site at Eucla was far superior to that at the border for a number of reasons:-

- (a) easy access to the Police Station at Eucla;
- (b) that the safety approaches on both sides were well within acceptable levels;
- (c) concern that the 12 km travelling distance to the border and the problems involved with the legal apprehension of possible suspects once they entered South Australia would cause a problem to police stationed at Eucla; and
- (d) concern at the number of trucks using the village thereby causing a potential traffic hazard to vehicles entering the highway traffic flow.

The question of electricity charges from either the Border Village or the supplier at Eucla

were considered to be negotiable to a level that would be acceptable to all parties. The proprietor of the Amber Motel at Eucla made it clear that he would always be prepared to negotiate an acceptable price to the Government agencies involved.

The Committee also took note of the lack of enthusiasm on behalf of Western Power to be involved with supplies at Eucla. However, whilst concerns were expressed to it from a number of witnesses, the Committee decided that this matter was outside its terms of references. However, recommendations would be made to the appropriate Minister concerned to give consideration to a Western Power supply at Eucla.

A number of witnesses made it abundantly clear that the Border Village site was prone to local flooding and for this reason alone, the Eucla site was far superior.

The question of the involvement of the South Australian Government in the project was one reason that the Committee decided to visit South Australia to seek information from the South Australian Department of Primary Industry.

The Committee met extensively with representatives of the Department of Primary Industry and was appreciative of the co-operation afforded to its members during this visit to South Australia.

The Department of Primary Industry in South Australia made it clear that it never initiated any discussions with regards to a possible joint facility at the West Australian/South Australian border, rather, that consideration of such a possibility only came about after a personal approach from the Western Australian Minister for Primary Industry to give consideration to the matter.

The Committee found that there was less than enthusiastic support for this joint facility and at the time of reporting, a report from an appropriate committee in South Australia had yet to find its way to the South Australian Minister for Primary Industry.

As a result of a letter from the Committee to the South Australian Minister for Primary Industry, the following reply was received on the 9th September, 1996.

*Hon P H Lockyer MLC
Chairman, Select Committee
Western Australian/South Australian Border Check Point
Legislative Council
Parliament House
Perth WA 6000*

Dear Mr Lockyer

Thank you for your letter of the 12th August 1996, in which you seek confirmation of South Australia's commitment to join a South Australia/Western Australia Quarantine Facility.

As was advised to you in your meeting with Mr Michael Maddigan, Chief Executive of Primary Industry South Australia, there is no firm commitment or memorandum of understanding in relation to this facility.

A recent feasibility report is currently under consideration by Primary Industry South Australia and I await their advice on the benefits and the cost of the proposal. In any case, I will be taking any decision to the South Australian Cabinet because of the potential impact of re-location to the existing road block on the Ceduna community.

Yours sincerely

*Rob Kerin
Minister for Primary Industry*

The Committee subsequently met with the Member for Eyre who represents the township of Ceduna, in the South Australian Parliament and it was made clear to the Committee that there was considerable opposition to the re-location of the checkpoint from Ceduna. However, in the end it would need to be a South Australian Cabinet decision.

Further, it was made clear in evidence to the Committee, that for such a shift to be made, it was highly unlikely that it would be made in the near future and more than likely would not to be made at all. The Committee was surprised that a decision to re-locate at the South Australian border was taken by the Western Australian Government without at least a memorandum of agreement or understanding with the South Australian Government.

When the Committee returned to Western Australia it researched the history of the Eucla township. This research detailed the implications of the Government of the day, on the policy with regards to the setting up of a township at Eucla. Evidence was given to the Committee suggesting that it was sited in that particular area for a number of reasons.

The Minister for Tourism in 1974, Hon Bill Grayden gave evidence to the Committee that the Eucla township was established in 1967, with the Border Village, which is situated 12km away, established in 1974. Evidence that he gave to the Committee suggested that in 1967 travellers on the Eyre Highway had very few facilities and the village had become an absolute bottleneck so far as tourists were concerned. The then State Government, therefore, went out of its way to overcome the problem and Mr Grayden mentioned this whilst giving evidence by saying

"..... The site at Eucla was chosen at that time as a gateway to Western Australia for some very good reasons. One, was for its scenic attractions, its proximity to the Bight and the fact that it had a very good water supply compared with other places on the Nullarbor. It also had historical associations, with a telegraph station at Eucla. It was chosen and people did not have a choice as to where they would go. They were told that the Government wanted a gateway to Western Australia, and that it be situated at Eucla....."

The Committee accepts that whilst it is a very isolated area, there are some good reasons why encouragement ought to be given to the township of Eucla for its expansion. Decisions taken by the present Government to re-locate the quarantine point from Norseman to a point 12 kilometres east of the Eucla township did not come within original Government policy and in fact, would be found to be contrary to undertakings given by successive Governments to people who operate businesses on the Western Australian side of the border, to make Eucla as the gateway to the State of Western Australia.

The Committee was particularly concerned that whilst the Minister for Primary Industry was unable because of the Standing Orders, to be compelled to appear before the Committee, Government departments under his control tried to convince the Committee that the decision taken to place the quarantine checkpoint on the border were taken for reasons of safety, and an arrangement with the West Australian/South Australian Governments.

The Committee found both of these assertions to be wrong and whilst there are advantages and arguments that can be made for both points, in the very end, the Committee believes that the consideration for Western Australia's advantages, should be paramount in all of these decisions.

Conclusion:

The Committee concluded that:

1. There is no compelling evidence or advantage for either safety or logistical reason why the site at Border Village is superior to an appropriate site at Eucla.
2. The Committee is very concerned at the substantial loss of revenue to the State by the non-return of income generated by fuel and tobacco excise which will accrue to South Australia and will be incorporated into the South Australian Governments general consolidated funds. This is an unacceptable position for Western Australia and this Committee.
3. The Committee believes the paramount decision to be taken by the Government of the day ought to have been, that Eucla be the Gateway to Western Australia, and the fact that it has the various Government agencies of Police, Emergency Services, Agricultural Protection Board together with the Silver Chain Nursing Post and the majority of residents of the present established township with its integrated facilities, that it should have been a priority as the preferred site.
4. The absence of any firm memorandum of agreement, arrangements or understanding with the South Australian Government is one that greatly concerns the Committee and ought to concern the Government. It is quite obvious that the initial approach for the involvement of the South Australian Government came from Western Australia. The possibility exists therefore, that it also came whilst the decision was being taken to re-locate the quarantine checkpoint from Norseman to Border Village. The Committee is very concerned by press statements which were alleged to have emanated from the office of the Minister for Primary Industry, where the public as a result, were lead to believe that a firm agreement, arrangement or memorandum of understanding was in place with the South Australian Government. This was found to be totally untrue.
5. Not enough consideration was given to the facilities already existing in Eucla, for the personnel who would be working in the quarantine checkpoint or to having a pool of people at the township working in the quarantine checkpoint facility close to where they lived and to the involvement of other agencies that work closely with the quarantine checkpoints such as the Western Australian Police Service.
6. The fact that the workforce would have to travel 24 kms a shift to get to and from work was also a drawback and a consideration which the Committee believes not enough thought was given to. The availability of water and power at Eucla, whilst

there was evidence given to the Committee of concern about the costings of these services, was part of the decision taken to relocate to the border. The Committee believes these were not insurmountable issues and could in fact have been overcome with more co-operative negotiations.

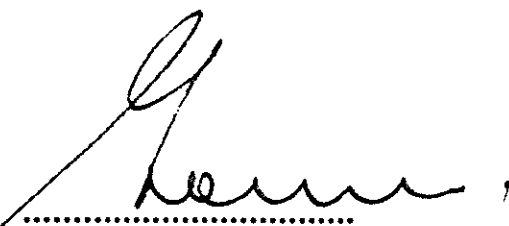
Recommendations:

Your Committee recommends:

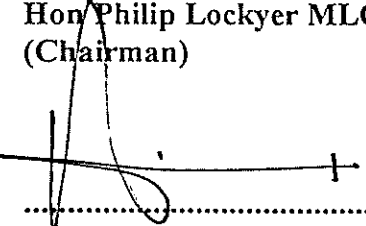
(1) That the Government immediately arranges for the re-location of the current facilities existing at Border Village to an area adjacent to the Eucla township.
Whilst the cost of such re-location may seem to be wasteful, the Committee believes that in the interests of all Western Australians and in line with previous Government policies, that it is better for the long term arrangements of the State that the location be at a point close to the Eucla township.

(2) The following proviso should apply before (1) is implemented:


If within a period of the next 6 months, the South Australian Government chooses to be involved in a joint facility at the West Australian/South Australian border, the costings of such arrangement be carefully considered by the Government before a decision is made to relocate. The advantages to Western Australia would need to be demonstrated to be substantial for Western Australia, given the matters previously raised in this report.



.....
Hon Philip Lockyer MLC
(Chairman)



.....
Hon Ross Lightfoot MLC
(Member)



.....
Hon Mark Nevill MLC
(Member)

Comment:

The Committee of the Legislative Council acknowledges the outstanding work given by the Clerk to the Committee, Mr Ian Allnutt and the great co-operation it received from all persons, with the exception of the Western Australian Minister for Primary Industry. In particular, the Committee condemns the Minister for Primary Industry for refusing to answer or acknowledge two letters forwarded to him personally, requesting information which was very important to the conduct of the Committee's business [see Appendix "A" and "B"]. This flagrant disregard for a House of Parliament is one that the Government ought to view with grave apprehension. The Westminster System of Bicameral Parliament makes it quite clear that each House of Parliament is master of its own destiny, and each House ought to respect the other. The Standing Orders of both Houses of Parliament makes this quite clear.

On this occasion the Minister for Primary Industry had a total disregard for the responsibilities and requirements that a Select Committee of the Legislative Council of the Parliament of Western Australia had to carry out.

The Committee under its Standing Orders is unable to compel a Member of the Legislative Assembly of the Parliament of Western Australia to appear before it, however, as a result of two polite letters to the Minister, the least that could be expected was an acknowledgment to these letters. Neither was received.

The Premier of Western Australia has made it quite clear that the present State Government is "open and accountable".

For that reason the Committee calls on the Minister for Primary Industry to apologise to the Legislative Council and recognise that executive Government does not have any right to treat with contempt a Committee of the Parliament and if that is the view of the Minister concerned, and the Minister is unable to accept the well founded doctrine of the separation of powers, then the Minister should consider his position in Cabinet as a matter of urgency.

Dear Minister

SELECT COMMITTEE WESTERN AUSTRALIAN/SOUTH AUSTRALIAN BORDER
CHECKPOINT

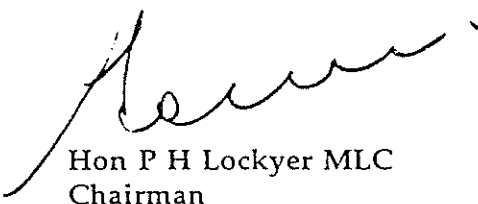
At the last meeting of the above Select Committee, held on Wednesday, August 21, it was resolved that I write to you to ascertain whether or not a firm commitment or a memorandum of understanding was entered into by yourself, as Western Australia's Minister for Primary Industry and your South Australian counterpart, to formally establish a jointly funded and operated quarantine facility at Border Village in South Australia.

Information recently received by my Committee suggests that South Australia has yet to make a decision and such decision may/will not be made for several months.

Therefore, would you indicate to this Committee whether a formal commitment exists and, if so, what time frame is envisaged by the South Australian Government to enter into and participate in the joint venture and whether it would be possible for my Committee to receive a copy of the signed agreement.

I await your early response as it will greatly assist the Committee in its deliberations and finalisation of its report.

Yours sincerely



Hon P H Lockyer MLC
Chairman

August 22 1996

Hon Monty House MLA
Minister for Primary Industry
20th Floor Forrest Centre
221 St George's Tce
PERTH WA 6000

"APPENDIX A"



Dear Minister

SELECT COMMITTEE WESTERN AUSTRALIAN/SOUTH AUSTRALIAN BORDER
CHECKPOINT

On August 22 1996, a letter was forwarded to you from the above Committee requesting written confirmation as to whether or not a firm commitment or memorandum of understanding was entered into by yourself and your South Australian counterpart for the setting up of a jointly operated quarantine checkpoint at the WA/SA border.

As of today's date no response has been forthcoming and the Committee must therefore assume no formal agreement was entered into with South Australia and that the decision made was made unilaterally by yourself, even though evidence provided to the Committee and public statements made have indicated that this was to be a joint operation.

Unless there is any evidence to the contrary the Committee must assume, rightly or wrongly, that this is the case and make mention of it in its report to the Legislative Council.

The Committee is still anxious to receive the requested information, as soon as possible, so that it might finalise its report.

Your cooperation and early response to the above matter would be appreciated.

Yours sincerely

A handwritten signature in cursive script, appearing to read 'P H Lockyer', is written over the typed name.

Hon P H Lockyer MLC
Chairman

September 9 1996

Hon Monty House MLA
Minister for Primary Industry
20th Floor Forrest Centre
221 St George's Tce
PERTH WA 6000

"APPENDIX B"