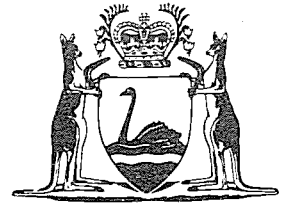


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37



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Department of the Premier,
8 January 1991.

It is hereby notified for public information that His Excellency the Governor has approved the issue of the following Commission.

M. C. WAUCHOPE, Acting Chief Executive.

COMMISSION

appointing

**THE HONOURABLE MR JUSTICE GEOFFREY ALEXANDER KENNEDY;
THE HONOURABLE SIR RONALD DARLING WILSON AC KBE CMG QC; and
THE HONOURABLE PETER FREDERICK BRINSDEN QC**

to be a Royal Commission.

WESTERN AUSTRALIA }
FRANCIS BURT, }
Governor. }
[L.S.] }

By His Excellency the Honourable Sir Francis Theodore Page Burt, Companion of the Order of Australia, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Queen's Counsel, Governor of the State of Western Australia.

To: **THE HONOURABLE MR JUSTICE GEOFFREY ALEXANDER KENNEDY;
THE HONOURABLE SIR RONALD DARLING WILSON AC KBE CMG QC; and
THE HONOURABLE PETER FREDERICK BRINSDEN QC:**

By this commission issued with the advice and consent of the Executive Council, I, the Governor—

(1) Appoint you to be a Royal Commission to inquire and report as follows:

1. To inquire whether there has been—

- (a) corruption;
- (b) illegal conduct; or
- (c) improper conduct,

by any person or corporation in the affairs, investment decisions and business dealings of the Government of Western Australia or its agencies, instrumentalities and corporations in respect of the matters referred to in Schedule 1, and to report whether—

- (d) any matter should be referred to an appropriate authority with a view to the institution of criminal proceedings; or
- (e) changes in the law of the State, or in administrative or decision making procedures, are necessary or desirable in the public interest.

Schedule 1

- 1.1 The matters referred to under the headings "WA State Government Funding of Rothwells following October 1987 Stock Market crash", "Share Trading by the SGIC and the GESB in Rothwells and Paragon shares" and "SGIC trading in Bell Group shares" in the annexures to Chapter 11 of Part 1 of the "Report of Inspector on a Special Investigation into Rothwells Ltd" by M. J. McCusker QC.
- 1.2 The purchase by the State Government Insurance Commission of shares in the Broken Hill Proprietary Company Limited from interests associated with the late Robert Holmes a Court.
- 1.3 The Kwinana petrochemical project.

- 1.4 Central City property transactions entered into from 1984 onwards by the Western Australian Development Corporation, the Government Employees Superannuation Board (formerly the Superannuation Board) and the State Government Insurance Commission (formerly the State Government Insurance Office).
- 1.5 Government Employees Superannuation Board (formerly the Superannuation Board) involvement in the Fremantle Anchorage and Halls Head developments.
- 1.6 The acquisition of Northern Mining Corporation NL in 1983.
- 1.7 The purchase of the Fremantle Gas and Coke Company by the State Energy Commission of Western Australia in 1986.
- 1.8 The sale of the Midland Abattoir site in 1986.
- 1.9 Financial assistance by Government to Bunbury Foods Limited.
- 1.10 The natural gas sales agreements entered into by the State Energy Commission of Western Australia for the purchase of natural gas from the North West Shelf Joint Venturers and the contracts relating to the Dampier to Perth natural gas pipeline project.
- 1.11 The Burswood Island Casino.
- 1.12 The Teachers Credit Society and the Swan Building Society.

2. To inquire whether there has been—

- (a) corruption;
- (b) illegal conduct; or
- (c) improper conduct,

by any person or corporation in respect of the matters referred to in Schedule 2 which in your view warrant further investigation after present police inquiries are completed, and

To report whether—

- (d) any matter should be referred to an appropriate authority with a view to the institution of criminal proceedings; or
- (e) changes in the law of the State, or in administrative or decision making procedures, are necessary or desirable in the public interest.

Schedule 2

- 2.1 Allegations of bribery with respect to planning decisions of the City of Stirling for Observation City.
 - 2.2 Other allegations arising from the trial of Robert Mark Smith and Robert Paul Martin held in The District Court of Western Australia before His Honour Judge Keall and a jury in October 1990, including those with respect to surveillance activities.
 - 2.3 The adequacy of the police investigation of the matters referred to in items 2.1 and 2.2 of this Schedule;
- (2) Declare that without limiting the powers otherwise available to you—
- (a) in conducting the inquiry you are to seek to avoid prejudice to pending or prospective criminal or civil proceedings and to the interests of the State in pending or prospective civil proceedings in such manner as you think fit and, in particular, by taking evidence or otherwise proceeding in private, precluding the publication of evidence, or deferring the taking of evidence, where you consider any such course to be appropriate;
 - (b) you may, during the course of the inquiry, refer any matter to the Solicitor General or another appropriate authority with a view to the institution of criminal proceedings, where you consider that delaying such action to the completion of your report would be undesirable;
- (3) Declare that you are to report within 12 months of the issue of this commission and that you may publish interim reports;
- (4) Declare that, by virtue of this commission, you may in the execution of this commission do all the acts, matters and things and exercise all the powers that a Royal Commission may lawfully do and exercise, whether under the Royal Commissions Act 1968 or otherwise;
- (5) Declare, without derogating from the powers which you otherwise have, that you may, whether simultaneously or at different times, act separately to take evidence or otherwise conduct the inquiry; and
- (6) Appoint, under section 6 of the Royal Commissions Act 1968, the Honourable Mr Justice Geoffrey Alexander Kennedy to be the Chairman of the Royal Commission for the purposes of that Act.

Given under my hand and the Public Seal of the State at Perth on 8 January 1991.

By His Excellency's Command,

CARMEN LAWRENCE, Premier.

GOD SAVE THE QUEEN !

I, Joseph Max Berinson, Attorney General for Western Australia, acting pursuant to section 22 of the Royal Commissions Act 1968, hereby appoint

Anthony John Templeman QC
Brian Ross Martin QC
David F. Wicks
Michael Laurence Barker
Roger Kenneth Frederick Davis
Christopher Kenneth George Rowe

to assist the Honourable Mr Justice Geoffrey Kennedy, the Honourable Sir Ronald Wilson AC KBE CMG QC and the Honourable Peter Brinsden QC who have been appointed a Royal Commission by the Governor in Executive Council on the 8th day of January 1991.

Dated the 8th day of January, 1991.

JOE BERINSON, Attorney General.