



**Warringah
Council™**

APPENDIX 14(a)

RS/MC . (2662.doc)

9 October 2001

Mr John Bombak
Mayor
City of Joondalup
PO Box 21
JOONDALUP WA 6919

FAX 08 9400 4502

Dear Mr Bombak

In my capacity as Public Officer of the Council, I advise that I have no outstanding matters to investigate and have not received any correspondence from the Department of Local Government relating to any current investigation of Mr Denis Smith personally, by the Department of Local Government.

Yours faithfully,

Ross Symons
Director Public Office



RS.JK/DirPu74

5 October, 2001

Mr D Smith
C/- Warringah Council
Civic Centre
Pittwater Council
DEE WHY 2099

Dear Mr Smith

In my capacity as Public Officer of the Council, I advise that I have no outstanding matters to investigate and have not received any correspondence from the Department of Local Government relating to any current investigation of you personally, by the Department of Local Government.

Yours sincerely



Ross Symons
Director Public Office

GORDON ROBILLIARD PLOWMAN MERTON

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Our ref: HR:16522
Your ref:

5 October, 2001

Mr John Bombak,
Mayor,
City of Joondalup,
PO Box 21,
JOONDALUP WA 6919.

Dear Sir,

re: Denis Ian Smith

We act for Mr Smith who has instructed us to write to you following certain allegations being made against him in the WA press.

The writer has acted for Mr Smith since about 1983, when he was appointed Chief Town Planner at Baulkham Hills Shire Council. He had previously been the Chief Town Planner at Campbelltown City Council. It is worth noting that when he was the Chief Town Planner at Campbelltown City Council, one Michael Knight, later a Minister in the NSW Labor Government was a junior social worker.

Whilst we have not had the opportunity of retrieving our old files relating to the matter, the writer recalls that in about 1986 or 1987 certain allegations were made in the NSW Parliament by Mr Michael Knight under parliamentary privilege. The allegations were broad and far ranging. The NSW Department of Local Government investigated those allegations and was unable to substantiate any of them. They were not assisted by Mr Knight who refused to give any assistance or indeed say anything to them other than what is on the parliamentary record.

Subsequent to the allegations being investigated by the Department of Local Government they were also investigated by the NSW Fraud Squad who took no action in relation to any matters raised by Mr Knight. Indeed, Mr Knight has been particularly careful over the years not to comment about our client otherwise than with the benefit of parliamentary privilege.

The article referred to us also states that our client resigned abruptly from his post at Warringah Council. The fact is he resigned following his appointment as General Manager at Joondalup. Our client did not resign from Warringah before he was appointed, nor did he resign as a result of any adverse inquiry or complaint about him at Warringah. The Public Officer of Warringah Council has advised us in writing that he has no matters to investigate as a result of any correspondence or directive from the Department of Local Government. In any case, such investigations would usually be related to pecuniary interest matters and our client does not own any real estate within the Warringah local

Gordon Robilliard Plowman Merton

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government area nor has any interest in any business within the Warringah local government area.

The article goes on to state that our client left Coffs Harbour City Council after a dispute with the Council's General Manager. We are instructed to advise that that is not the case. Our client left to take up the position of Director of Services – Planning and Environment at Warringah Shire Council, not as a result of any dispute. The writer recalls that Mr Wright, the then General Manager of Coffs Harbour City Council, left that Council shortly after our client had been appointed to Warringah Council.

The allegation in relation to the misuse of a Council credit card have been found to be baseless. We have viewed the documents and confirmed that there was no misproper use of the credit card.

The writer has acted for Mr Smith in relation to all of the matters where adverse allegations have been made against him. In no case have any of these allegations ever been substantiated and in each case our client has been exonerated. The most recent re-ventilation of the appalling allegations made by Knight in 1987 raise no new issues which have all been appropriately addressed and disposed of many years ago. We have advised our client to obtain advice in relation to defamation action in Western Australia against the newspaper.

I trust this letter assists in resolving the concern which these allegations have again given rise to.

Yours faithfully

Gordon Robilliard Plowman Mertonper. 