



**The Hon Tony Simpson MLA
Minister for Local Government; Community Services,
Seniors and Volunteering; Youth**

Our Ref: 49-04381/1

Hon Simon O'Brien MLC
Chairman
Standing Committee on Environment and Public Affairs
Parliament House
PERTH WA 6000

PETITION N^o 37 – INITIATE JUDICIAL INQUIRY INTO SHIRE OF CARNARVON

Thank you for your correspondence dated 19 August 2014 regarding the Standing Committee's request for further information in relation to matters concerning the Shire of Carnarvon.

You are correct to note that the scope of the Probity Audit conducted by the Department of Local Government and Communities at the Shire of Carnarvon examined matters from the period 1 December 2012 to 30 June 2013, and that this time period was 'subsequent to' a number of the issues raised by the petitioner. It should also be noted, however, that the undertaking of the Probity Audit was not an issue in isolation but was one of a number of matters examined by the Department and the Corruption and Crime Commission (WA) relating to the complaints made by individuals, over an extended timeframe, in regard to specific tender issues such as:

- provision of waste services;
- supply of premix concrete;
- main street upgrades – Robinson Street and surrounds;
- Carnarvon Fascine Revitalisation Project; and
- general record-keeping and recording matters.

You have requested further information in regard to the Department's statement that *'issues raised in the petition have been separately reported and are under examination by another statutory authority under specific legislative requirements and that process is still ongoing'*.

I am advised that, while the Department has been assisting this other agency in the examination of these matters, the legislation under which this matter has been reported contains very specific confidentiality provisions that prohibit the parties involved from disclosing the specifics of the matter or the identity of the complainant. While the legislation in question does provide exemptions to the

non-disclosure requirements, such exemption in this case would be required to be made in response to the permission of the complainant or an 'order of a court or any other person or body having authority to hear, receive or examine evidence'.

In this regard, in order to satisfy the legislative requirements, the Standing Committee may wish to obtain this information direct from the petitioner.

I trust that my response clarifies the position and should the Standing Committee require any further assistance in this matter, please do not hesitate to contact my office.

Yours sincerely

A handwritten signature in black ink, appearing to read 'A. Simpson', written in a cursive style.

HON TONY SIMPSON MLA
**MINISTER FOR LOCAL GOVERNMENT; COMMUNITY SERVICES;
SENIORS AND VOLUNTEERING; YOUTH**

9 SEP 2014