

File Number: 2017/226200

Attention: Crown Solicitors Office Department of Premier and Cabinet

Copy: NCAT Registrar

INCOMPLETE LIST OF DOCUMENTS 23 Feb 2018

1. Department Premier & Cabinet (DPC) released 20 Records dated August 2015 (KPMG Draft Options Analysis summary documents) of various council clusters on 28 Nov 2017. It now states (affidavit of Catherine Chang 12 Feb 2018 para 9, and letter Sasha Lowes 12 Feb 2018 page 2) that there are a further 27 KPMG documents dated Aug 2015 that should have been and will now be disclosed.
2. The decision in the 'Walker GIPA application' was by Matt Richards, a Director DPC dated 7 June 2017. It states in the reasons (p3 para (c)) "I am advised that the spreadsheets and formulas used to model assumptions against inputs are held by KPMG and that the Department does not hold these spreadsheets or underlying documents."
3. DPC has not produced KPMG documents dated Dec 2015 or Jan 2016 concerning council clusters in a form similar to the 47 summary documents from KPMG dated August 2015. It is claimed that there are not any, but it is reasonable to conclude that there are, as there had to be a proper basis for the Merger Proposals made in Jan 2016. It is clear that various assumptions were changed after August, requiring new reports. Each Merger Proposal released on 6 Jan 2016 for a cluster of councils refers for its alleged particular yearly savings to a KPMG Merger Impacts and Analysis document December 2015.
4. In relation to spreadsheets, in spite of the statement in para 2 above, DPC on 2 February 2016 released a KPMG spreadsheet – DPC Disclosure Log 2 February 2016 DPC 16/00072 that is undated but appears to relate to Merger Proposals dated Jan 2016 – see p18-20 https://www.dpc.nsw.gov.au/_data/assets/pdf_file/0019/178210/DPC16-00072.pdf It is reasonable to conclude that there are additional spreadsheets not yet released.
5. What is being sought by the applicant is 'A complete list of all KPMG Reports – Analysis and Modelling on Council Mergers' and this request would in its terms include drafts and spreadsheets and other relevant documentation involved in the preparation of reports. The affidavit of Catherine Chang 12 Feb 2018 at p3 states that they have not searched for KPMG drafts or excel spreadsheets. It is reasonable to expect that if they did, they would find such documents. The KPMG documents of August were drafts and a spreadsheet has already been produced.
6. In the decision in the 'Walker GIPA application' by Richards it states (p4 of Decision) that Records 1-20 and 23-25 are documents concerning potential local government reforms, release of which would reveal Cabinet information contained in Records 21 and 22 (Business Case and Longform Analysis document). As these documents have now been released, it is clear that there is material within Records 21 and 22 that is no longer being withheld from the public. It is reasonable that the whole of these documents should be disclosed, or if a claim of confidentiality is still maintained, the tribunal inspect the documents to determine the matter.
7. Many of the documents that have now been produced are marked 'Cabinet-in-confidence', but it is now conceded that they should be made public and they have been produced. This should also apply to Records 21 and 22.