

Pittwater Online News

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August 12 - 18, 2018: Issue 371

Phil Walker's GIPA Application For KPMG 'Business Case' On Forcibly Amalgamated Councils: 'Refused'



STATE GOVT BLOCKS RELEASE OF SECRET DOCUMENTS

August 11, 2018: Media release – Save Our Councils Coalition (SOCC)

Pittwater residents are still waiting to see “secret” KPMG papers, containing data and information used by the State Government to force NSW council amalgamations, says Save Our Councils Coalition (SOCC) President Brian Halstead.

Commenting on last week’s (8 August 2018) Civil and Administrative Tribunal decision in the Phil Walker GIPA case that sought access to documents detailing analysis and impacts of forced council mergers, SOCC says that the Government is wrongfully hiding crucial information within the KPMG report from the public.

“It is extraordinary that a document that is referenced as support for the amalgamation proposals is not available for the community to review. Access to the KPMG documents has been hidden by the State Government since they began the merger process in late 2015, despite strong opposition from local and state-wide communities. All major political parties except the Liberal/National Coalition want these documents released now,” Halstead says.

“We can only guess what was said in the KPMG Report that was so contentious that the Government have gone so far to block its release. Let’s not forget the Baird/Berejiklian Coalition Government used taxpayer’s money to employ KPMG to do the work and now they won’t let amalgamated communities like Pittwater see what the report contains,” Halstead added.

“A GIPA (freedom of information) case was made by Pittwater resident Phil Walker assisted by Phil Jenkyn to solicit the full KPMG report. But something in that report is so secret and embarrassing, the State Government just wants to hide its head in the sand,” SOCC spokesman Phil Jenkyn says.

John Illingsworth has released a new film today on Phil Walker’s GIPA Application:

[YOUR LEGALLY ENFORCEABLE RIGHT to government information, PART 6: ‘THE JUDGEMENT’](#)

PHIL JENKYN COMMENTS ON WALKER GIPA CASE

The judgement in the Phil Walker GIPA case seeking KPMG documents relating to forced council mergers was released 8 August 2018 – [read the judgement here](#).

In spite of Walker’s contention that the Government had waived its ‘Cabinet-in-confidence’ privilege over KPMG reference documents including the Business Case, the Tribunal held that the privilege remained, and followed earlier ‘KPMG’ decisions.

So, how difficult is it for the public to get important information that it needs from the Department of Premier and Cabinet?

The answer is extremely difficult if the Government wants to hide controversial and embarrassing information.

First it makes it really hard for the public to find out what information and documentation it has in its records.

It will have already stamped everything that might cause it grief with ‘Cabinet-in-confidence’.

If it receives a GIPA request for information, it designates staff that know little of the subject matter to make the decision and to do the searches. It then claims privilege or that the documents can’t reasonably be found.

One might be tempted to say it is a sham process.

The important point is that the Government is still hiding the KPMG documents detailing the analysis and impacts of the forced merger proposals. No one was able to evaluate the Government's global claim of \$2billion or any part of the alleged benefits, as they were based on these KPMG documents. These benefits in fact have not now materialised.

Good councils, including Pittwater and Tumbarumba to name just two of many, had their councils destroyed on a lie still being perpetrated by this Government.

All communities whose councils were forcibly merged are entitled to a referendum to get their councils back.

The Walker case was the last chance for the Government to release this information. Not to do so means that they will be forever condemned as a dishonest, deceptive, arrogant and incompetent government that fails to listen to communities and will never learn.

Clearly such a government does not deserve to govern.

Perhaps one can conclude with a learned Court of Appeal judge, Justice Basten in the Ku-ring-gai case on this very issue. To quote his words:

"The subject matter of the controversy is the amalgamation of local government areas. The proposals had to be the subject of examination and report, including a public inquiry. It would be incoherent for the Minister to assert that any material presented to Cabinet to support an amalgamation of local government areas should not be disclosed. Particularly is that so where the proposal expressly relied on financial information which was derived from an external report submitted to Cabinet."

Phil Jenkyn OAM
11 August, 2018

Previously

[Pittwater's Phil Walker's GIPA Application For The KPMG 'Business Case' On Forcibly Amalgamated Councils](#)

<http://www.pittwateronlinenews.com/STATE-GOVT-BLOCKS-RELEASE-OF-KPMG-REPORT-AGAIN.php>