

High Court appeal the last resort in stopping merger

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LAWYERS for Woollahra Council will continue to argue that a public inquiry into the proposed merger was not properly conducted – if the High Court of Australia agrees to hear its case.

The council last Friday lodged an application for an appeal in the court – Woollahra's last hope to prevent a merger with Randwick and Waverley – after the NSW Court of Appeal threw its case out on December 22.

Solicitor Malcolm Stewart told *Wentworth Courier* the appeal was not guaranteed.

“The court will grant special leave for a full hearing only if it thinks there is merit to appeal,” he said.

The lawyers will push for the case to be heard because it has statewide implications for several other councils locked in legal battles with the State Government.

If leave to appeal is granted, councillors will decide whether to go ahead with it after a confidential briefing with the lawyers.

Mr Stewart said their main argument would still centre on whether Robert Lang, the delegate who carried out the public inquiry, conducted it properly and in accordance with the Local Government Act.

Mr Stewart said another key argument would explore whether Mr Lang should have taken into account the financial advanta-

ges and disadvantages of the merger on each individual council area, such as whether it would lead to higher rates in Woollahra.

“Our arguments are, in substance, the same,” Mr Stewart said.

“We believe we have a good chance of success in the High Court, but we do acknowledge that four judges have (ruled) against us.

“We are exercising our right to appeal in the High Court as we don't agree with their decisions.”

The council has so far spent \$850,000 fighting the merger and faces paying the State Government's court costs – about \$250,000 to date.

Woollahra Mayor Toni Zeltzer defended the costs.

“The one-off legal cost pales into insignificance when compared to the increase in rates that the rate-payers of Woollahra will be slugged with each and every year after the rate freeze ends,” she said.

“We've come this far and we won't give up the fight until we know we've done everything we can to protect Woollahra from this merger.”

Premier Mike Baird encouraged the council to drop the case and “get on” with serving their ratepayers.

“They've had a number of significant legal professionals look at this – some of the top magistrates in the country – and they have given a strong view that there is no case,” he said.