

## COUNCIL AMALGAMATION

# Merger impasse will lead to court

Council risks paying legal fees if loses stand-alone bid

### Robbie Patterson

A STALEMATE between the State Government and Woollahra Council over mergers seems to be headed to court.

And if Woollahra Council loses its stand-alone bid, the Crown Solicitor said Local Government Minister Paul Toole would pursue costs.

In two letters, dated March 14 and 16, Crown Solicitor John McDonnell disputed Woollahra Council's view on behalf of Mr Toole and his delegate Dr Rob Lang respectively.

Woollahra had cited a speech by former Local Government minister Harry Woods to argue that Mr Toole was using a part of the Act introduced in 1999 intended only when streamlining voluntary mergers.

However, Mr McDonnell cited the same speech to argue the minister's power to forcefully merge councils.

"As stated in the second reading speech 17 years ago, the minister had then had the power for 80 years to make forced amalgamations and that power was not being changed," he wrote.

At the time Mr Woods said: "There will be no significant change to the process of dealing with an amalgamation process which does not have the support of all councils affected."

However, Woollahra's lawyer Robin Speed, of Speed and Stracey, responded on March 15 in writing: "If the minister wishes to force amalgamation he has used the wrong statutory procedures."

In another series of letters, Mr McDonnell dismissed allegations that the delegate Dr Rob Lang had failed to give reasonable notice of a public meeting and to conduct a proper inquiry.

He said the council was "nitpicking" and the inquiry "was not required to be a question/answer session".

Then on March 16, council wrote demanding Dr Lang issue a fresh notice for a new public meeting, seeking the view of Woollahra electors, hold a "proper public inquiry" and does not report to the boundaries commission until he had done so.

A council spokeswoman said in a confidential meeting on Monday, councillors were briefed by lawyers and they unanimously support a legal challenge.