

# Councils respond to election delay: 'It's blackmailing by the state government'

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**Councils embroiled in legal challenges with the NSW government over forced amalgamations say they are more resolute than ever in continuing their fight, even as a deadline for holding council elections elapsed on Wednesday.**

A new element of brinkmanship entered the fray last week, after the government released advice from the NSW Electoral Commission stating councils pursuing legal action faced delays of up to three years before their next election could be held.



## Understanding council mergers

In May 2016 the NSW State Government announced the forced amalgamation of more than 40 local councils into 19 new councils, but what are the legalities of this contentious issue?

"I really do think it's blackmailing by the state government," said Ian Gosper, mayor of Cabonne Council, which is fighting a proposed merger with neighbouring councils in Orange and Blayney Shire.

"It's waving a red flag and saying, 'this is what you people are going to have to put up with if you don't toe the line'."



*Local government minister Paul Toole insists the 20 new councils created this year are "working successfully". Photo: Daniel Munoz*

The deadline for councils to merge and hold elections in September 2017 passed on Wednesday. This is when elections for 20 newly amalgamated councils will be held.

But if councils continue to fight the mergers through the courts beyond August, they face the prospect of waiting until 2020 for new elections, the government's advice said.

"I take it as a threat to councils that if they don't hurry up they are prolonging the length of time there will be an administrator," mayor of Shellharbour Marianne Saliba said.

"My community is more determined than ever to fight this all the way to the end," she said.

But the potential delays also pose a conundrum for the Baird government, which is fighting to proceed with 11 mergers affecting 29 councils across the state.

"The government is keen for elections for new councils to occur as soon as possible," local government minister Paul Toole said on Wednesday, adding that "the certainty of finalised legal action will allow firm election dates to be set".

The judgment on Woollahra Council's Supreme Court appeal against its merger with Waverly and Randwick councils is expected imminently. A number of councils have hinged their decision as to whether continue their own appeals on its success.

Woollahra mayor Toni Zeltzer said the government could expect further political pain if council mergers dragged out over the next several years.

"With the next state government election set for March 2019, pushing democracy aside and delaying a local election until 2020 is risky business for a government who wants to demonstrate they care," she said.

In Cabonne Shire, where the Orange by-election saw swings of 60 per cent per cent against the National Party, Cr Gosper said the council had initially been split over whether to continue the legal fight.

But the election result, coupled with the perceived heavy-handedness over election dates had strengthened the council's resolve, he said.

"[The by-election result] more or less told us what our residents expect us to do, and I think it would be remiss of us if we did not follow through."

Minister Toole's own electorate of Bathurst is embroiled in a council merger fight, with Oberon Shire poised to launch a Supreme Court appeal against merging with Bathurst Regional Council.

Rather than encouraging councils to capitulate and drop their legal proceedings, Oberon mayor Kathy Sajowitz said the delays might encourage councils to keep their "skin in the game" with a view to forcing a backdown.

"Once you're out of the game, you've got no chance of a reversal," she said.

Hunters Hill mayor Richard Quinn, who is overseeing the council's fight against merging with Lane Cove and Ryde councils, said he interpreted the ministerial advice as "another manoeuvre of brinkmanship by the government to get its own way".

"It doesn't deter us at all. We are still resolute in what we are trying to achieve," he said.

Mr Toole did not respond to questions about how far and for how long the government was willing to pursue council amalgamations.

But he said the 20 new councils created this year are "working successfully".

"Before the mergers, many councillors spread mistruths suggesting that the sky would fall in when mergers occurred. This has not happened."

<http://www.smh.com.au/nsw/councils-respond-to-election-delay-its-blackmailing-by-the-state-government-20161129-gt04l0.html>