

Endorsements put councils at risk

The NSW Government has elected not to seek leave to appeal to the High Court in *Ku-ring-gai's Case*, meaning the majority judgment of the NSW Court of Appeal stands.



Jim Sanderson

That decision among other things found “the delegate constructively failed to fulfil the statutory function of examining the (Council merger) proposal” because he did not have access to the full KPMG report, which the Government refused to release.

The Government’s failure to release relevant material was a fact common to all recent Council merger proposals.

Although we await Court decisions in other Council merger cases, it would appear any Council that challenged a merger decision on this basis stands to have that merger overturned.

Regrettably a number of Councils were prevented from taking legal action by Liberal Councillors, who chose to follow the party line rather than represent the communities who elected them.

Even in Hunter’s Hill, where presently there are no party endorsed Councillors, two Liberal Councillors Zac Miles and Gary Bird consistently voted against legal action, arguing that the cost was too much without being able to explain how any savings would benefit current residents and ratepayers after the transfer of Council assets to a merged entity, which would have inevitably occurred in the absence of legal action.

In any case Ku-ring-gai’s costs will now be met by the State so one would reasonably expect Hunter’s Hill and most other Councils still engaged in action to have costs awarded to them.

I am concerned that the decision by the local branch of the Liberal Party to endorse candidates for September’s Hunter’s Hill Council election puts our Council at even greater risk.

Given the voting record of Councillors Miles and Bird, it would seem inevitable that future Councillors endorsed by the Liberal Party might feel obliged to not resist Government moves to dissolve the Council.

Council wins in current Court cases will not prevent the Government recommencing its Council amalgamation agenda.

We cannot weaken in our resolve – if we elect any Liberal endorsed Councillors, we only make it easier for this Government to “do a job on local communities”.

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Hunters Hill

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