

MOSMAN/NORTHSYDNEY

Merger case looking shaky

Opponents of council amalgamations pin hopes on 'unfairness' of 'secret reports'

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and Caroline Tang**

THE fight to save Mosman and North Sydney councils has been given fresh hope, campaigners say.

The NSW Government missed a deadline to appeal against a recent court decision in relation to nearby Ku-ring-gai Council.

The Court of Appeal found Ku-ring-gai had been denied procedural fairness by the Government because KPMG reports, on which it based

the merger policy, were kept secret.

"Part of Mosman Council's case before the NSW Court of Appeal is that keeping a key report (the KPMG report) secret was a denial of procedural fairness," Mosman Mayor Peter Abelson said. "We believe that this principle applies to Mosman as it did to Ku-ring-gai and indeed to other councils."

Deputy Mayor Roy Bendall said it was time for the state to abandon the outstanding mergers and

bring certainty back to local government.

Mosman has been earmarked to merge with North Sydney and Willoughby.

In North Sydney, Mayor Jilly Gibson said the state decision not to challenge was an interesting turn of events.

"We still can't assume we are safe," Cr Gibson said.

"This is a surprise twist in this drawn-out, unfortunate saga."

Deputy Mayor Melissa Clare said the development proved that North Sydney's

decision to fight the "undemocratic mergers" was the right course of action.

Save Our Councils Coalition said the failure to appeal showed the State Government had thrown in the towel on the case.

It believes this will have widespread ramifications for all councils fighting in the courts.

"This is an absolute mess," spokesman Phil Jenkyn said. "The Government should completely abandon forced council amalgama-

tions and leave local democracy to assume its rightful place as democratically-elected entities."

The State Government said it remained committed to merging Ku-ring-gai and Hornsby councils.

"There are a series of matters before the courts, including the High Court matter in Woollahra, which is why the Government is not considering one case in isolation," a spokesman for Local Government Minister Gabrielle Upton said.