

14 November NAG High Court Appeal Update

NAG Incorporated

We have now incorporated NAG as a Society (as of 22 August) so our official name is The Northern Action Group Incorporated, but we will still be known, hopefully affectionately, as NAG. The immediate benefit is a refund of our GST payments.

LGC Response

Finally, after the Counsel for the Local Government Commission missing the first deadline at the beginning of September we have now received a response to the following questions among others posed by NAG's Counsel.

- *Why the Commission did not consult with the Northern Action Group on any deficiencies in the Application (including on requirements under clauses 5(1)(c) and 5(1)(f) of Schedule 3 of the Act) prior to making the Decision.*
- *When considering whether to assess the Application, what regard the Commission had to the way it dealt with recent applications for reorganisation from the Far North District Council, the Better Hawkes Bay Trust, the Greater Wellington Regional Council and the Wairarapa Councils in relation to the requirements for community support, detail on the proposed area or the public interest.*
- *Why the Commission considered Auckland Council's interest in the Application to be relevant to the "public interest" requirement in clause 7(1)(h).*
- *Whether the Commission took into account the extent of opposition by residents in the North Rodney to being included as part of Auckland Council and the support for the Application in that community.*
- *Why, in paragraph 16 of the Decision, the Commission suggests that the same level of support for the Application that was demonstrated within the North Rodney community should have also been demonstrated elsewhere in Auckland.*
- *Whether the Commission gave any consideration to overseas reports and data on the success of amalgamations, including the four recent local government de-amalgamations in Queensland, Australia.*
- *Why the Commission considered the three year statutory moratorium on reorganisation applications in relation to Auckland Council to be insufficient.*

- *When did the Commission consider it would be more appropriate to assess a reorganisation application for Auckland Council?*

As the Commission is not subject to the Official Information Act (OIA) it is particularly useful to have these points and others answered.

The whole appeal is now sub-judice so we cannot make the answers public yet, but there are a number of revelations which we feel strengthen our case.

Timetable

The timetable now starts from this date as follows:

24 October 2014	Respondent files report and documents
24 November 2014	20 working days after 24 Oct we file a common bundle of paginated and indexed copies of all relevant documents
1 December 2014	25 working days after 24 Oct we file appellant's submissions and a chronology
8 December 2014	30 working days after 24 Oct they file respondent's submissions and a separate chronology if they disagree with ours
	We file common bundle of authorities before hearing or at time of hearing
30 March 2105	1 day hearing

As shown in the above timetable we now have a limited time to prepare our documents and a further 5 working days to file our submissions, so we are working on these.

Unfortunately unless a cancellation is received, thereby opening a window in the High Court calendar, it does not look like the hearing will take place before 30 March next year so - as usual - its hurry up and wait!

We will keep you posted on any further developments as they come to hand.

Anecdotes

In explaining our case to anyone who will listen we have observed that it helps to have examples of the way things are not working for North Rodney residents since the Auckland City amalgamation. This includes examples of bureaucracy, difficulties from our remoteness, inefficiencies and unnecessary costs arising out of centralised management or determination to follow “process”, etc.

If you have any examples and are happy to have them quoted we are compiling a list - please let us know your stories.

Bill Townson
Chairman