



The Northern Action Group Incorporated

Press release April 30th 2020

High Court rejects NAG's appeal

The High Court has rejected the appeal by Northern Action Group (Inc) (NAG) (restricted to points of law regarding the process) against the decision of the Local Government Commission to prefer the status quo in its decision on NAG's application for a separate unitary authority for North Rodney.

The decision, released on 28 April following the hearing in September last year, cannot be subject to any further appeal, although NAG still has an opportunity to pursue a "parked" ground of appeal on the grounds that the Commission was biased and predetermined the outcome.

NAG Chairman, Mr Bill Townson, said " we are naturally disappointed at the Court decision, however we are not discouraged and will continue to press for improvements in the governance and treatment of the people of North Rodney within Auckland Council. Clearly, we need greater devolution of authority, responsibility and management of council services to communities in the local area."

On the decision, he said " it is detailed and records the case put forward by NAG well, but has kept to the more orthodox approach of deferring to an "expert" body on matters within its expertise, rather than being willing to look behind superficial compliance with the procedural steps required by the statute. The Court has dismissed NAG's criticisms of the way the Commission conducted its investigation and made its decision, as being directed towards the merits of the decision, not errors of law. It essentially ruled that the Commission was free in law to conduct its process any way and to whatever relevant purpose it saw fit, as long as it followed the statutory process, whether others perceived that as fair and reasonable or not."

"The issue is now with the legislation and the process it establishes which, as the court has now ruled, is effectively stacked against communities leading changes. All citizens who value their right to representation should be concerned that this decision further strengthens the status quo. In Auckland Council that means tyranny by the majority over remote rural areas like North Rodney. The current government has now made community voices even less relevant by amending the purpose of the legislation last year, increasing the threshold for applications, and giving Councils, rather than their communities, more say in refusing or making governance changes."

Bill Townson

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" Campaigning to get Democracy for the people of North Rodney"