

FW: Ryde Civic Development

From: "Ivan Petch"
To: normcerreto@!
Date: Wed, 24 Oct 2012 01:32:44 +1100
Attachments: Tax Invoice 66725.pdf (53.33 kB)

Norm
This seems to come from left field
Regards
Ivan

From: Warwick Cooper
Sent: Tuesday, 23 October 2012 10:43 PM
To: Ivan Petch
Subject: FW: Ryde Civic Development

Ivan

You will recall that I agreed to put up the hand on the basis of absolutely no charge to me personally.

I have not authorised, know nothing about, nor do intend to pay the attached invoice of \$2000.00 approx from John Mahony.

Grateful you please sort this. I have no problems with John being paid for the job he did. But I simply cannot wear this.

With thanks and kind regards

Warwick

From: John Mahony [mailto:john@mtlawyers.com.au]
Sent: Tuesday, 23 October 2012 3:14 PM
To: coopers.w@
Cc: John Mahony
Subject: Ryde Civic Development

Hi Warwick,

I write to advise that this Firm has recently been contacted by ICAC with a view to ascertaining the identity of the clients for whom we act in relation to the Ryde Concerned Citizens Association.

That approach was made by way of a Summons served on this Firm followed by a letter seeking clarification from the ICAC investigator.

As you can imagine, all that we could tell ICAC was that our client is Ryde Concerned Citizens Association and that we do not know the identity of the members thereof, other than yourself as acting President, spokesperson and point of contact.

Please advise whether you wish us to carryout any further work in relation to this matter, which of course we would be pleased to do. However, it would appear that with the change of Council, the issues in which we were involved for the Association, appear to have resolved themselves.

Accordingly, unless advised otherwise we are closing our file on this matter and now enclose for payment by Ryde Concerned Citizens Association, our tax invoice for attendances incurred subsequent to 25 June 2012.

Finally, we note that the original invoice of \$2,777.43 was underpaid by \$77.43.

Accordingly, we would appreciate receiving the total sum of \$2,001.83 being the payment for the attached invoice together with the underpayment from the original invoice of \$77.43.

Kind regards

John Mahony

Solicitor

Mahony Taren Lawyers

Ph: 02 9849 6600

Fx: 02 8850 4761

E: john@mtlawyers.com.au

W: www.mtlawyers.com.au

Level 3, Suite 311

Macarthur Point

25 Solent Circuit

Norwest Business Park

Baulkham Hills NSW 2153

MAHONY TAREN LAWYERS: BEGIN WITH THE END IN MIND

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NSW ICAC
EXHIBIT
MAHONY TAREN LAWYERS

1293

23 October 2012

TAX INVOICE
ABN: 15 149 513 262

TAREN LEGAL GROUP PTY LTD
ACN 149 513 262
T/A MAHONY TAREN LAWYERS

Ryde Concerned Citizens Association

PO Box 8318
BHBC NSW 2153

Phone: +61 2 9849 6600
Facsimile: +61 2 8850 4761

Bill No: 66725
Our Ref: 63367/John Mahony

Re: RYDE CITY COUNCIL - CIVIL PRECINCT

	Amount excl GST	GST	Amount incl GST
Our fee for all attendances to date relating to this matter as itemised overleaf	1,698.50	169.85	1,868.35
Disbursements and Office Charges			
Photocopies, Facsimiles and Postage	50.95	5.10	56.05
	<u>\$50.95</u>	<u>\$5.10</u>	<u>\$56.05</u>

TOTAL FOR THIS ACCOUNT (inclusive of GST)

\$1,924.40

With Compliments

Mahony Taren Lawyers



Remittance Advice

This account is payable on 06 November 2012 E&OE

Payment may be made by direct credit to:
BSB 032 007 A/c No: 118462 quoting reference: 63367-66725
Westpac Banking Corporation

From: Ryde Concerned Citizens Association
Account No: 66725:JFM:63367
Date: 23 October 2012
Amount: \$1,924.40

Date: 23 October 2012
 Bill No: 66725
 Our Ref: 63367/John Mahony

SCHEDULE OF ATTENDANCES

Re: RYDE CITY COUNCIL - CIVIL PRECINCT

Date	Details	Solicitor	Hours	\$ Amount
26.06.12	Various -phone calls and letter to Clayton Utz	JFM	0.5	197.50
28.06.12	Phone to client and letter to lend lease	JFM	0.9	355.50
29.06.12	Letter to Councillors and various phone calls	JFM	0.7	276.50
09.07.12	Letter re response to gm	JFM	0.3	118.50
26.09.12	Compiling and forwarding docs to ICAC	JFM	0.6	237.00
15.10.12	Phone from ICAC RE SUMMONS	JFM	0.4	158.00
22.10.12	Letter in response to ICAC. Letter and report to client	JFM	0.9	355.50
Total time and value of work performed			4.3	\$1,698.50
GST on fees				\$169.85
Total Fees (inclusive of GST)				\$1,868.35

Date: 23 October 2012
Bill No: 66725
Our Ref: 63367/John Mahony

Legal Professional Act Notification

The **Legal Profession Act 2004** requires that we provide the following information:

Interest may be charged at the current rate of 8.75% prescribed by Regulation 110A of the **Legal Profession Regulation 2005** on any bill of costs which remains unpaid after 30 days.

You may apply to have this bill of costs assessed under Division 11 of Part 3.2 of the **Legal Profession Act 2004**. Any such application should be made to the Manager, Costs Assessment, Supreme Court within 60 days after this bill has been given to you. You may also apply under section 336 of that Act to have a costs dispute mediated where the amount in dispute is less than \$10,000. Referral to mediation is not permitted after an application for assessment has been accepted by the Manager, Costs Assessment.

You may apply under Section 328 of that Act to set aside any costs agreement, or a provision of a costs agreement entered into between us on the basis that it is not fair and reasonable.

If a lump sum bill is given to you, you have the right within 30 days to ask for an itemised bill. An itemised bill might include items of costs not taken into account in the lump sum bill thereby increasing costs. If an itemised bill is required, we reserve our right to rely on the itemised bill as our final bill.

Without affecting any of the above obligations and rights, if you do have any issue with any part of this bill of costs please contact any solicitor named on this bill or Mr John Mahony on 02 9894 1671 and we will be pleased to discuss your concerns with you.

FW: Ryde Civic Development

From: Warwick Cooper <
To: Ivan Petch <ivanp@ryde.nsw.gov.au>
Date: Wed, 24 Oct 2012 14:18:15 +1100

Ivan

Grateful you assess and advise on my email to John Mahony and his response (which I find unacceptable)

With thanks

Warwick

From: John Mahony [<mailto:john@mtlawyers.com.au>]
Sent: Wednesday, 24 October 2012 3:15 PM
To: Warwick Cooper
Subject: RE: Ryde Civic Development

Hi WARWICK,

The work done is itemised in the Account.

Please advise what part of that work was not supposed to be done.

To my mind everything that was done was a natural consequence of what had been started previously and was impliedly if not expressly authorised. We did not go out of our way to do something that was not necessary. All work was also covered by the Costs Agreement.

In fact had we not done the extra work, you would have had cause to complain that we were not completing our instructions by following things through to the necessary next step.

Damned if we do and damned if we don't

Please pass the hat around.

If it is easier take off \$500 from the new bill, but only on the basis that it is paid within 7 days.

Hopefully that is a good compromise

Regards,

John Mahony
Mahony Taren Lawyers
Ph: 02 9849 6600
Fx: 02 8850 4761
E: john@mtlawyers.com.au
W: www.mtlawyers.com.au

Level 3, 25 Solent Circuit
Norwest Business Park
Baulkham Hills NSW 2153

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RE: Ryde Civic Development

From: Warwick Cooper <
To: John Mahony <john@mtlawyers.com.au>
Cc: Ivan Petch <ivanp@ryde.nsw.gov.au>, Salvestro-Martin Jeff <
Phillip Peake au>, Beth <
Date: Wed, 24 Oct 2012 15:28:34 +1100

John

You have ignored the key point of my email: my reminder to you of your agreement with me, witnessed and from the outset, that neither I nor my family is to be billed for Ryde civic matters by your firm. Further, I remind you that you advised me at the time of signing - and you will recall that while apprehensive, I signed it on the basis of your advice - that the costs agreement was a 'pro forma' to enable MT to operate in the matter, that I was not to worry about it and that I would not be billed.

Further, while I don't want to get into 'I said, you said...' polemics, as I've outlined, we have very different views on what was and wasn't supposed to be done and in what fashion, particularly in relation to matters subsequent to June.

For example, I note there is \$748 in your invoice in relation to ICAC, a matter on which you omitted to brief me - not even a phone call over the period of a month - until the vague outline in your email of yesterday (26 September compiling documents for ICAC \$237; 15 October ICAC phone call re summons \$158; letter in response to ICAC \$355). What documents? What substantive matters raised per ICAC's phone call? What is contained in your letter to ICAC and why have you not supplied a copy to me if it is on my behalf? Further, am I a person of interest? Are there substantive matters of which I should be aware? Why didn't you simply refer Chris Bentley to me direct? Etc Etc Etc.

Let me put it plainly and with good will. There is no one now in RCC to pass the hat to. I ask that you honour your agreement with me that I and mine not be billed and waive the invoice.

Warwick Cooper

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From: Warwick Cooper
Sent: Wednesday, 24 October 2014 5:04 PM
To: John Mahony
Cc: Ivan Petch; Philip Peake; Beth; 'Salvestro-Martin Jeff'
Subject: FW: Ryde Civic Development

G'day John

Thank you for your advice on ICAC; they have not contacted me nor do I expect them to do so. I may contact them.

I agree with your assessment that Ryde Council matters largely have resolved themselves and that Ryde Concerned Citizens (RCC) can fade into the woodwork or be used to 'umbrella' other community groups. I thank you for our contribution.

However, I confess that I am disconcerted on a number of fronts by your "blind side" invoice to me for a further \$2001.83 contrary to our financial and operational agreements in that

- a) You will recall that from the outset in your office I said I would 'put up the hand' as anchor for RCC to help enable community/councillor correspondence and potential legal action etc ONLY on the clear and explicit agreement with you that at no stage would I or my family be personally liable for any fees from you/Mahony Taren (MT) – an agreement witnessed/overheard by Ivan (Petch), Phil (Peake) and Beth (Cooper) among others; and that, subsequently, I several times (with blunt questioning) sought and on each occasion in response you gave me your assurance that I would not be billed.
- b) When a benefactor, (not a member of RCC), some months ago funded payment of your previous "left paddock" invoice for \$2700.00 for work already done, we regarded the MT initiative as at an end; we have issued no further instructions to you since that payment and were not aware until your email yesterday of the matters for which I have been billed..
- c) As such we are mystified on who instructed you, when and on whose authority, with whom you liaised and what actual work was involved in real terms to attract the \$2000.00 bill.

I hope that helps your reconsideration of the above.

With kind regards

Warwick Cooper

**NSW ICAC
EXHIBIT**

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