Responses to **Questions on Notice**

Received at the 2 August Ordinary Meeting of Council

Mark Arnold General Manager

Mark Rull.

BYRON SHIRE COUNCIL

1.	QUESTIONS WITH NOTICE			
	1.1	Ebsworth Lawyers - Butler Street bypass defence		

QUESTIONS WITH NOTICE

Question with Notice No. 1.1 File No:

Ebsworth Lawyers - Butler Street bypass defence 12018/1439

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At Council's Ordinary Meeting held on 2 August 2018, John Anderson asked the following question which was taken on notice:

Given that the General Manager has unimpeded access to full and unredacted Council files and given that a reasonable maximum legal fee for a 3 day hearing in the Land and Environment is \$50,000, will the General Manager undertake to examine Ebsworth Lawyers purported accounting of its outlays regarding the Butler Street bypass defence and then give the ratepayers an assurance that the apparently excess \$400,000 charged by that firm all went to legitimate destinations?

Response General Manager:

The legal costs and disbursements incurred in the conduct of the proceedings are itemised as follows;

Solicitor's professional costs and disbursements

Preparation/consideration:	\$42,564.00
Drafting:	\$33,681.00
Perusing:	\$13,163.00
Conferences:	\$21,730.00
Reviewing:	\$16,610.00
Amendments:	\$8,214.00
Letters/emails:	\$26,194.00
Telephone:	\$10,166.00
Settling documents:	\$2,100.00
Site inspections	\$1,575.00
Attendance at hearing	\$7,565.00
Filing fees:	\$494.00
Sundries:	\$2,270.00

Senior Counsel's fees: \$90,750.00

Experts fees

Planning:	\$47,399.70
Acoustic:	\$93,245.26
Heritage:	\$8,228.00
Social Impact:	\$16,526.96
Ecology:	\$15,987.20
Landscape:	\$7,275.00
Quantity surveyor:	\$10,875.00
Economic:	\$2,730.00

Expert's disbursements

Court filing fee: \$426.00

QUESTIONS WITH NOTICE

 Searches:
 \$394.62

 Travel:
 \$1,545.67

 Careers
 \$202.90

 Carrying:
 \$4,050.20

Copying: \$4,950.30

The legal costs and disbursements incurred reasonably reflect;

- (a) the level of skill, experience, specialisation and seniority of the lawyers concerned; and
- (b) the level of complexity and difficulty of the issues involved, and the extent to which the matter involved a matter of public interest; and
- (c) the labour and responsibility involved; and
- (d) the circumstances in acting on the matter, including any or all of the following:
 - (i) the urgency of the matter;
 - (ii) the time spent on the matter;
 - (iii) the number and importance of the issues involved; and
 - (e) the quality of the work done and
 - (f) the retainer and the instructions given in the matter.