



Our Ref: RVG:21-0372

1 December 2021

Mr Paul Martin
 Chief Executive Officer
 Shire of Serpentine-Jarrahdale
 6 Paterson Street
 Mundijong WA, 6123
 By email: info@sjshire.wa.gov.au

Dear Sir,

GURDEEP SINGH v SHAYE MACK & SHIRE OF SERPENTINE-JARRAHDAL & WAEC
MAGISTRATES COURT OF WA PROCEEDINGS

- 1) I act for Cr Gurdeep (Gary) Singh in relation to the Invalidity Complaints that have been lodged with the Magistrates Court of Western Australia by Shaye Luke Mack dated 2 November 2021 and the Shire of Serpentine-Jarrahdale dated 12 November 2021.
- 2) The purpose of this letter is to make a request on my client's behalf for the Shire to reimburse his legal costs.
- 3) The request is made pursuant to Council Policy 1.1.2 – Legal Representation and Cost Indemnification.
- 4) In relation to the "Payment criteria", my client submits that:
 - a) It is especially because the Shire itself has lodged an Invalidity Complaint that the legal representation costs relate to a matter that arises from the performance by my client of his functions (I assume that the word "or" should be "of" in the policy and that this is a typographical error).

Principals
WILL VOGT
RICHARD GRAHAM

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- b) Amongst other reasons, my client will be unable to perform his functions as an Elected Member, as declared by the Returning Officer at the conclusion of the election, if what the Returning Officer declared is subsequently determined as an invalid election.
 - c) His legal representation costs do not arise from any personal or private matter in the sense that his personal private legal interests are at stake. Instead, and especially in the context of the grounds stated in the Shire's Invalidity Complaint, his involvement in the proceedings is about ensuring the Court is adequately able to deal with the matter, to ensure that the declaration by the Returning Officer arose from a free and fair election, in order for the community to have confidence in the electoral process and the outcome declared.
 - d) If my client is not represented by adequate and properly resourced legal representation, the Shire's interests in ensuring that the matter is properly and fully inquired into by the Court will be compromised.
- 5) In relation to paragraph 3.2 of the Policy:
- a) payment of legal representation costs are sought in relation to both matters;
 - b) I am the proposed lawyer;
 - c) the legal representation includes advice, representation in Court and preparation of documents;
 - d) the estimated costs of the legal representation is \$8,500 including GST.
- 6) **Attached** is my client's declaration that he has acted in good faith and has not acted unlawfully or in any way that constitutes improper conduct in relation to the matters of which the application relates.
- 7) A separate document is **attached** by which my client states that he:
- a) has read and understood the terms of the policy;
 - b) acknowledges that any approval of legal representation costs is conditional on the repayment provisions of clause 7 and any other conditions to which the approval is subject; and
 - c) undertakes to repay the Shire any legal representation costs in accordance with the provisions of clause 7.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'R. V. Graham', with a long horizontal flourish extending to the right.

Richard Graham

Legal Practitioner Director

Vogt Graham Lawyers

Email: rgraham@vogtgraham.com.au

Attachments