

City taps reserves for legal expenses

The City of Busselton has more than doubled its expected legal expense budget during the 2020-21 financial year, forcing the council to move \$80,000 into accounts to finalise five separate legal suits.

At the beginning of the financial year the City allocated \$50,000 towards legal expenses, but at the May 26 council meeting it was revealed the current expenditure had blown out to \$108,343, with a further \$26,690 expected to come.

Despite the transfer of money, the City of Busselton said its finances were on track and money movements were well under the legal expense average of \$150,000 over the past five years.

It's understood the need for higher legal expenses than estimated last month came from five separate legal proceedings, with the City the defendant in some cases and the applicant in others.

City of Busselton director of finance and corporate services Tony Nottle said while the five legal expenses were not the only legal expenses accrued by the local government, they were the most significant, making up a majority of the \$112,000 incurred to date.

"The current year's legal expenses budget was reduced to \$50,000. This was done to minimise the impact on rates and to better reflect anticipated expenditure on specialist legal expenses and advice," he said.

"In setting the budget at \$50,000, council accepted that a transfer from the legal expenses reserve may be necessary to cover any unexpected shortfall (and) we have a very healthy legal expenses reserve built up over successive councils precisely for this purpose.

"While legal expenses can fluctuate from year to year, actual legal expenses are on trend with the average of the previous five financial years."

According to Mr Nottle, only two of the legal items related to litigation, with the City being the prosecuting authority and respondent for the others.

The City sought external legal advice for an extractive industry compliance action costing \$30,000, and a further \$30,000 to defend an application for judicial review in the Supreme Court, in both of which the City was successful. About \$20,000 was incurred from external legal advice regarding the Busselton Performing Arts and Convention Centre in response to potential competition law concerns.

Ongoing specialist legal advice about potential contamination claims incurred \$12,000, and \$10,000 was paid for two professional indemnity claims.

The decision to move \$80,000 from the legal expenses reserve was unanimously approved at the May 26 meeting.



Club praise for lawyer

TAYLAR AMONINI

A South West lawyer is being praised for his tireless pro bono work helping community organisations stay afloat during hard times.

Lane Buck & Higgins is one of three finalists in the law firm category of the Attorney General's Community Service Law Awards thanks to David Markovich's work with Busselton City Football Club and other community organisations.

The local soccer club nominated him after he helped it, free of charge and outside his already hectic paid workload, stave of bankruptcy after being sued for almost \$30,000 over the past three years.

The proceedings reached all the way to the Supreme Court of WA through multiple appeals. Mr Markovich, pictured, has a history of prosecuting for RSPCA and working with refugees.

Mr Markovich said he was humbled by the nomination because his actions were simply the "right thing to do".

"I'm in a position of privilege as a lawyer, not in the sense there's anything special about me but that I have the knowledge to assist people in legal services," he said.

"Not everyone can afford legal services, and where possible I try to contribute to society and my community because otherwise these important community organisations would be at risk of closing.

"For me, it's also about helping the administration of justice and my contribution to social justice — it's the driving force of what I do."

Mr Markovich began caring for the Busselton community back in 2007 when he fell in love with the region after "hundreds" of visits.

While the firm did not win the top gong, the firm and Mr Markovich are winners in the eyes of all those they have helped.

Busselton City Football Club secretary Stephen Gibson said the club nominated the law firm and Mr Markovich because without them, the club would have been forced to fold because of the legal costs involved.

"LBH had no prior connection to our club but were willing to assist based on the principles of access and equity," he said.

"The fact that BCFC found itself in every court jurisdiction apart from the High Court proved to be particularly challenging.

"Certainly, without LBH's substantial and ongoing support BCFC may not exist as we know it today."

The awards are in their 14th year.

Usually announced during Law Week in May, they were postponed this year because of COVID-19 restrictions.

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