# **Russell Kennedy**

31 July 2025 Tax Invoice 10469057

HEPBURN SHIRE COUNCIL PO Box 21 DAYLESFORD VIC 3465 creditors@hepburn.vic.gov.au (For invoices/statements)

## PUBLICATIONS MADE BY DAVID PENMAN PURCHASE ORDER: PU038716

To our professional costs of and incidental to acting on your behalf in relation to the above matter, inclusive of all advice, attendances and correspondence.

Our fee for services	\$14,396.00
Disbursements	\$5,047.32
Reduced by	- \$2,023.50
Plus GST	\$1,739.98

Total amount owing \$19,159.80

With compliments RUSSELL KENNEDY

E&OE

Our payment terms are 14 days from the date of our bill.



### **DETAILED ANALYSIS OF WORK PERFORMED**

Date	Fee Earner	Description
13/05/25	Despina Hrambanis	Attendance on M Hubble-Marriott re background to matter and new posts; instructions re potential letter and Concerns Notice
13/05/25	Despina Hrambanis	Attendance on reviewing file; previous Concerns Notices and recent post; includes review and consideration of publication and potential implications; considering re further instructions required
13/05/25	Despina Hrambanis	Email to R Torres confirming meeting for tomorrow
13/05/25	Marika Hubble- Marriott	Perusing email from B Thomas re: D Penman publications - review. Review Facebook
13/05/25	Marika Hubble- Marriott	Attendance on D Hrambanis re: previous Concerns Notice. Brief with instructions
13/05/25	Marika Hubble- Marriott	Email B Thomas re: next steps and Concerns Notice
14/05/25	Despina Hrambanis	Attendance on preparing for meeting today; includes review of previous file, questions to ask during meeting for preparation of Concerns Notice, review of relevant legislation
14/05/25	Despina Hrambanis	Conference with R Torres and Anna B re publication, ongoing planning matter and possible imputations from post
14/05/25	Despina Hrambanis	Attendance on reviewing and finalising file note from conference; review of email from R Torres re communications with D Penman; email to M Hubble-Marriott re same and proposed next steps
14/05/25	Despina Hrambanis	Telephone attendance on M Hubble-Marriott re meeting; discussion re refusal notice and potential draft of Concerns Notice
14/05/25	Marika Hubble- Marriott	Perusing email from D Hrambanis and filenote of client conference
14/05/25	Marika Hubble- Marriott	Telephone out - D Hrambanis re: timing of planning refresh and interrelationship with any Concerns Notice
15/05/25	Despina Hrambanis	Attendance on M Hubble-Marriott re discussion around instructions from B Thomas; scope of matter and next steps inc calling B Thomas to discuss same
15/05/25	Despina Hrambanis	Preparing for call with B Thomas re confirming instructions and requesting information if proceeding (no charge)
15/05/25	Marika Hubble- Marriott	Attendance on email from D Hrambanis and various attendances re: planning advice and Concerns Notice
15/05/25	Marika Hubble- Marriott	Attendance on - D Hrambanis - can we act for Councillor, and scope of publications
19/05/25	Despina Hrambanis	Email from R Torres; email to M Hubble-Marriott re waiting on instructions from B Thomas before proceeding
19/05/25	Despina Hrambanis	Email to R Torres re information provided, confirmation of scope; includes review of information and emails provided by R Torres
19/05/25	Marika Hubble- Marriott	Attendance on email D Hrambanis re: next steps and scope of instructions . Email R Torres
27/05/25	Despina Hrambanis	Perusing email and documents from R Thomas
27/05/25	Marika Hubble- Marriott	Perusing - email from D Hrambanis and R Torres re: A Boyd and PSIO

Date	Fee Earner	Description
28/05/25	Despina Hrambanis	Email to R Torres requesting further information as to clarify of question; includes consideration of risk question
30/05/25	Despina Hrambanis	Email from R Torres re clarification of question around risks associated with the planning process
30/05/25	Despina Hrambanis	Attendance on consideration around question posed by R Torres re refusing Mr Penman's applications; email to M Hubble-Marriott re same
30/05/25	Marika Hubble- Marriott	Perusing email from D Hrambanis and R Torres re: advice on planning decision
02/06/25	Despina Hrambanis	Email from B Holmes regarding meeting (no charge)
02/06/25	Despina Hrambanis	Perusing email from B Holmes
02/06/25	Marika Hubble- Marriott	Perusing emails D Hrambanis & B Holmes re: publications in relation to A Boyd
03/06/25	Despina Hrambanis	Drafting email to B Holmes and A Boyd re defamatory posts for take down notice to Facebook
03/06/25	Despina Hrambanis	Conference with B Holmes, A Boyd and M Hubble-Marriott re posts by Mr Penman and next steps
03/06/25	Despina Hrambanis	Attendance on M Hubble-Marriott re instructions to draft take down notice
03/06/25	Despina Hrambanis	Attendance on reviewing platform to submit take down notice on Facebook and the information required prior to drafting notice
03/06/25	Marika Hubble- Marriott	Conference B Holmes, A Boyd and D Hrambanis re: social media posts, workplace safety and PSIO
03/06/25	Marika Hubble- Marriott	Attendance on D Hrambanis re: instructions for next steps. Peruse email to client
03/06/25	Marika Hubble- Marriott	Attendance on - Facebook re: reporting page and links. Precedent notifications
04/06/25	Despina Hrambanis	Drafting takedown notice; includes reviewing material
04/06/25	Despina Hrambanis	Attendance on email to B Holmes re scope of who we act for
04/06/25	Marika Hubble- Marriott	Perusing email from D Hrambanis and PSIO
04/06/25	Marika Hubble- Marriott	Telephone in - D Hrambanis re: Facebook notice
04/06/25	Marika Hubble- Marriott	Perusing - email from B Holmes and scan Facebook posts
04/06/25	Marika Hubble- Marriott	Perusing email from B Holmes re: options for further action
04/06/25	Marika Hubble- Marriott	Conference A Massaro re: workplace safety advice and options
04/06/25	Marika Hubble- Marriott	Attendance on emails D Hrambanis and settle draft email to Council re: specific posts
05/06/25	Despina Hrambanis	Drafting takedown notice; includes reviewing posts
10/06/25	Despina Hrambanis	Attendance on M Hubble-Marriott re update; potential meeting for Thursday; call to B Holmes
11/06/25	Despina Hrambanis	Drafting email to B Holmes re follow up and questions asked

Date	Fee Earner	Description
11/06/25	Marika Hubble- Marriott	Attendance on emails D Hrambanis re: follow up client re: instructions
13/06/25	Marika Hubble- Marriott	Email A Hando re: Counsel recommendation for PSIO
17/06/25	Despina Hrambanis	Perusing email from B Holmes re instructions re Counsel for hearing and instructions re takedown notice
17/06/25	Marika Hubble- Marriott	Perusing - email from A Hando re: PSIO Counsel options
17/06/25	Marika Hubble- Marriott	Telephone out W Barker of Counsel re: PSIO brief
17/06/25	Marika Hubble- Marriott	Email - B Holmes re: brief to Counsel, WRES discussion forum and options re: Deed. Peruse reply
18/06/25	Despina Hrambanis	Drafting Facebook Takedown notice; includes review of posts to determine which posts reference A Boyd or allude to A Boyd; includes email to M Hubble-Marriott with notice and also format of Facebook page (2.2 but say 1.2 hours)
18/06/25	Despina Hrambanis	Drafting email to B Holmes and A Boyd with takedown notice and enclosures, includes follow up questions
18/06/25	Marika Hubble- Marriott	Perusing - email from D Hrambanis re: Facebook takedown notice
18/06/25	Marika Hubble- Marriott	Drafting Brief to Council - W Barker
18/06/25	Marika Hubble- Marriott	Email - B Holmes re: retain Counsel for Ballarat hearing
18/06/25	Marika Hubble- Marriott	Telephone out B Holmes re: retain Counsel for A Boyd
18/06/25	Marika Hubble- Marriott	Telephone out - A Boyd re: Counsel, instructions and PSIO process
18/06/25	Marika Hubble- Marriott	Email Counsel and A Boyd re: brief. Reply from Counsel
18/06/25	Marika Hubble- Marriott	Attendance on AJM re: Counsel briefing on workplace safety
18/06/25	Marika Hubble- Marriott	Email - B Holmes re: Council briefing on workplace safety
20/06/25	Marika Hubble- Marriott	Attendance on email from W Barker of Counsel re: hearing and next Directions Hearing. Invoice
23/06/25	Marika Hubble- Marriott	Email B Holmes re: conference with A Massaro
24/06/25	Despina Hrambanis	Email from R Torres re status of advice re applications
26/06/25	Marika Hubble- Marriott	Attendance on email clerk/replies re: W Barker fees (no charge)
27/06/25	Despina Hrambanis	Drafting reply to R Torres re applications by Mr Penman and discussion with B Holmes re same
02/07/25	Despina Hrambanis	Email from R Torres with advice query and new posts from D Penman

Date	Fee Earner	Description
02/07/25	Despina Hrambanis	Perusing and considering emails between M Hubble-Marriott. Counsel, B Holmes and A Boyd re A Boyd hearing and takedown notice
02/07/25	Despina Hrambanis	Drafting email to R Torres re advice on refusal application and impact on hearing of Ms Boyd
02/07/25	Marika Hubble- Marriott	Telephone out W Barker of Counsel re: strike out, estimate and nex steps
02/07/25	Marika Hubble- Marriott	Perusing emails D Hrambanis and draft reply to R Torres. Email R Torres
02/07/25	Marika Hubble- Marriott	Telephone out A Boyd re: amended PSIO, further communications and Take Down. Email A Boyd
02/07/25	Marika Hubble- Marriott	Perusing email from A Boyd and amended PSIO
02/07/25	Marika Hubble- Marriott	Perusing draft take down notice and review publications - amend resPSIO
03/07/25	Despina Hrambanis	Attendance on finalising draft Facebook Takedown Notice prior to sending
03/07/25	Despina Hrambanis	Attendance on drafting email to B Holmes with draft takedown form; includes draft email to A Boyd with same
03/07/25	Marika Hubble- Marriott	Perusing advice from A Massaro on psychological safety and PSIO
03/07/25	Marika Hubble- Marriott	Attendance on D Hrambanis and review draft email re: response to Council
07/07/25	Marika Hubble- Marriott	Attendance on emails D Hrambanis re: advice to client
08/07/25	Marika Hubble- Marriott	Drafting email B Holmes re: various items & strategy to address Mr Penman. Amended draft email to A Boyd
14/07/25	Marika Hubble- Marriott	Attendance on Audit Letter
15/07/25	Despina Hrambanis	Attendance on M Hubble-Marriott to discuss follow up email to B Holmes
15/07/25	Despina Hrambanis	Perusing and considering email from B Holmes; includes email from D Penman re subpoena queries
15/07/25	Despina Hrambanis	Attendance on M Hubble-Marriott re email from B Holmes and response
15/07/25	Despina Hrambanis	Attendance on company search for Clifftop at Hepburn Pty Ltd
15/07/25	Despina Hrambanis	Attendance on filing IVO documents with Magistrates' Court
15/07/25	Despina Hrambanis	Email to Magistrates' Court to file pleadings
15/07/25	Despina Hrambanis	Email from B Holmes re A Boyd takedown form; instructions to respond to Mr Penman and other items
15/07/25	Despina Hrambanis	Email from B Holmes re additional posts by Mr Penman
15/07/25	Marika Hubble- Marriott	Attendance on D Hrambanis re: Response to R Torres. Follow up B Holmes
15/07/25	Marika Hubble- Marriott	Perusing emails from B Holmes, amendments to TakeDown Notice and email from Mr Penman re: subpoenas. Consider issues

Date	Fee Earner	Description
15/07/25	Marika Hubble- Marriott	Telephone out W Barker of Counsel re: objection to subpoena, finalising materials and conference with A Boyd & B Thomas
15/07/25	Marika Hubble- Marriott	Attendance on D Hrambanis re: Response & Company Search Clifftops@Hepburn
15/07/25	Marika Hubble- Marriott	Perusing email form W Barker of Counsel and peruse Further and Better Particulars, scan exhibits
15/07/25	Marika Hubble- Marriott	Attendance on D Hrambanis re: file at Ballarat Magistrates' Court - further attendances re: RK not on record for Ms Boyd (x3)
15/07/25	Marika Hubble- Marriott	Attendance on draft email to Magistrates' Court (explain filing for Counsel) and attendances D Hrambanis
15/07/25	Marika Hubble- Marriott	Other Billable Amendment to Facebook Notice
15/07/25	Marika Hubble- Marriott	Email B Holmes re: Facbook Takedown and draft response to Mr Penman
15/07/25	Marika Hubble- Marriott	Perusing further Reply from B Holmes and instructions re: psychological risk presentation
15/07/25	Marika Hubble- Marriott	Attendance on further posts of Mr Penman and emails B Holmes. No reference to A Boyd
15/07/25	Marika Hubble- Marriott	Attendance on emails W Barker of Counsel re: Magistrates' Court documents
16/07/25	Despina Hrambanis	Attendance on finalising and lodging facebook takedown request re Hepburn Shire Council and A Boyd
16/07/25	Despina Hrambanis	Perusing emails from Facebook re URL links and attendance on obtaining same
16/07/25	Despina Hrambanis	Drafting reply email to Facebook with URLs and additional information re posts
16/07/25	Marika Hubble- Marriott	Attendance on emails B Holmes, D Penman and W Barker of Counsel re: subpoena
16/07/25	Marika Hubble- Marriott	Attendance on finalising FaceBook Takedown Notice and email A Boyd
16/07/25	Marika Hubble- Marriott	Attendance on emails W Barker of Counsel re: subpoena and next steps
16/07/25	Marika Hubble- Marriott	Attendance on Facebook re: authority to report. Confirm Lawyer and representation
16/07/25	Marika Hubble- Marriott	Attendance on further emails Facebook re: URL. Emails D Hrambanis re: lists
16/07/25	Marika Hubble- Marriott	Perusing email from Facebook re: content restricted
17/07/25	Despina Hrambanis	Drafting reply to Facebook re posts (request to take down whole post, not just the photos)
17/07/25	Marika Hubble- Marriott	Attendance on Facebook re: posts still active
17/07/25	Marika Hubble- Marriott	Attendance on D Hrambanis re publications still live - further email Facebook
17/07/25	Marika Hubble- Marriott	Attendance on email Facebook re remove text and photos

Date	Fee Earner	Description
18/07/25	Marika Hubble- Marriott	Perusing email from Ballarat Court re: documents filed
18/07/25	Marika Hubble- Marriott	Other Billable - Facebook review re posts removed
18/07/25	Marika Hubble- Marriott	Email to/from B Holmes and A Boyd re: Facebook removed posts
25/07/25	Marika Hubble- Marriott	Perusing email from Counsel re: IVO hearing

#### **SUMMARY OF WORK PERFORMED**

Fee Earner	Position	Hours	Total
Marika Hubble-Marriott	Principal	11.10	\$6,519.00
Despina Hrambanis	Lawyer	3.80	\$1,672.00
Despina Hrambanis	Junior Lawyer	14.60	\$6,205.00
		29.50	\$14,396.00

### **DISBURSEMENT SUMMARY**

Non-Taxable Disbursements	
ASIC: Organisation Extract Historical - CLIFFTOP AT HEPBURN PTY LTD ACN 605 839 549	\$20.00
Taxable Disbursements	
ASIC: Organisation Extract Historical - CLIFFTOP AT HEPBURN PTY LTD ACN 605 839 549	\$27.32
Counsel's Fees William Barker - Tax Invoice 00142580 dated 20.06.2025	\$2,500.00
Counsel's Fees William Barker -Tax Invoice 00143846 dated 28.07.2025	\$2,500.00
GST applied	\$502.73
TOTAL DISBURSEMENTS (INCL GST)	\$5,550.05

### **Russell Kennedy**

Except to the extent of any inconsistency with any agreement for the provision of legal services in place between you and us, the following terms apply to payment of this bill.

Payment of this bill is due within 14 days of the date of this bill. If you fail to pay this bill within 14 days, we reserve the right to charge interest on any amount of our costs or disbursements that remains unpaid for 30 days after our bill has been sent to you. The interest rate is set as the cash target rate (set by the Reserve Bank of Australia) in force at the time the bill was issued plus 2%, in accordance with our costs agreement with you.

You can discuss any concerns regarding this bill with the responsible principal for this matter, nominated in this bill.

#### **REMITTANCE ADVICE**



#### **BPAY**

Telephone & Internet Banking - contact your bank, credit union or building society to make a payment from your cheque, savings or credit card account.

**Biller Code:** 69112 **Reference:** 104690573

#### **DIRECT DEPOSIT**

**Account Name:** Russell Kennedy Pty Ltd **BSB:** 333037

 Account:
 720218956

 Reference:
 10469057

 SWIFT CODE:
 SGBLAU2S

overseas payments are to be made in AUD\$

Email remittance to credit@rk.com.au

#### CHEQUE

Payable to:

Russell Kennedy Pty Ltd

Please send cheque and this remittance to: Credit Department Russell Kennedy

PO Box 5146

MELBOURNE VIC 3001

CREDIT CARD MATTER REFERENCE		NCE		
Please debit my Mastercard   Visa   AMEX (2.75% Surcharge a Diners (2.48% Surcharge a	· · · · —	Our Ref: Invoice Number: Invoice Date:	124653-00139 10469057 31 July 2025	
Debit my card for \$	(incl GST)	Invoice Total:	\$19,159.80	
Card Number:				
Card Holder Name:				
Expiry Date: Security ID:				

## **TAX INVOICE**

**Barrister:** 

William Barker ABN 65 910 505 144

**Russel Kennedy Pty Ltd** 

Invoice Number: **00142580** 

Invoice Date: 20 Jun 2025

Payment Due: 20 Jul 2025



Parnell's Barristers Pty Ltd ABN: 70 649 620 539

Level 2, 550 Lonsdale Street Melbourne Victoria 3000 TELEPHONE: (03) 9225 7000

E-mail: <u>finance@parnellsbarristers.com.au</u> Website: <u>www.parnellsbarristers.com.au</u>

Please quote this Invoice Number in the reference for all payments. Invoice sent to

MATTER: Amy Boyd YOUR REFERENCE: OUR REFERENCE: MAT-092061

Date	Details	Time	Amount (incl GST)
20/06/2025	Ballarat Magistrates Court - Mention HearingInclusive of all necessary preparation and conferences to date.	N/A	\$2,750.00
	TOTAL PAYABLE (incl GST, \$250.00) AMOUNT DUE (incl GST, \$250.00)		\$2,750.00 \$2,750.00

#### **PAYMENT METHODS**



**EFT** 

BSB: **633-000** 

Account Number: 184 358

224

Account Name: Parnell's Barristers Pty Ltd Clearing Account Reference: 00142580



**CHEQUE** 

Please make cheque payable to "Parnell's Barristers Pty Ltd"



**BPAY** 

Biller Code: 305086 Reference: 1425800

Call your bank, credit union or building society to make this payment from your cheque, savings or credit card account. \* Note: Credit Card payments incur a 1.2% surcharge.

In the absence of an arrangement to the contrary, these fees are payable within 30 days of this account.

This invoice is a bill for the purposes of the Legal Profession Act 2004 and the Legal Profession Uniform Law (Victoria), as applicable. If all or part of the legal costs referred to herein are not paid within 30 days, interest is payable on the unpaid costs at a rate that is equal to the Cash Target Rate (as specified by the Reserve Bank from time to time) plus 2%.

The barrister named above is the Responsible Principal for the purposes of the Legal Profession Uniform Law (Victoria).

Your rights in relation to legal costs

Your rights for retainers entered into prior to 1 July 2015, under the Legal Profession Act 2004 (the Act).

If you are not a "sophisticated client" (as defined in section 3.4.12 of the Act) the following avenues are available to you if you are not happy with this bill:

- Requesting an itemised bill.
- Discussing your concerns with us.
- Having our costs assessed.
- Making a complaint to the Legal Services Commissioner.
- Applying to set aside our costs agreement

There may be other avenues available in your State or Territory (such as mediation). Time limits apply to the avenues for resolving costs disputes. For more information about your rights, please read the fact sheet titled Your right to challenge legal costs. You can ask for a copy, or obtain it from the Victorian Legal Services Commissioner (or download it from their website).

Your rights for retainers entered into on and from 1 July 2015, under the Legal Profession Uniform Law (Victoria) (the LPUL).

If you are not a "commercial or government client" (as defined in section 170 of the LPUL) the following avenues are open to you in the event of a costs dispute:

- Request an itemised bill (which request must be made within 30 days after the date on which the costs become payable.)
- Discuss your concerns with us.
- Seek a costs assessment. Such application must be made to the Supreme Court Costs Court within 12 months after:
  - (a) the bill was given or the request for payment was made, or
  - the costs were paid if neither a bill was given nor a request was made. (b)

There are limited circumstances in which the application may be made outside of 12 months.

• Make a complaint to the Legal Services Commissioner. Such a complaint must be made within 60 days after the legal costs are payable or, if an itemised bill is requested, within 30 days after that bill is provided. The Commissioner may waive the time limits if the complaint is made within 4 months of the required period.

There is a monetary limitation of less than \$100,000 (indexed) for the total bill for legal costs in dispute OR, where the amount is \$100,000 or more, the amount of the legal costs in dispute is less than \$10,000 (indexed).

If money has been paid into our trust account for you, we hereby notify you that we will withdraw money from the trust account and apply it towards payment of our legal costs that are owed, in accordance with the LPUL and the Legal Profession Uniform General Rules 2015 and Legal Profession (Approved Clerks Trust Account) Rules 2015.

## **TAX INVOICE**

**Barrister:** 

William Barker ABN 65 910 505 144

**Russel Kennedy Pty Ltd** 

Invoice Number: **00143846** 

Invoice Date: 28 Jul 2025

Payment Due: **27 Aug 2025** 



Parnell's Barristers Pty Ltd ABN: 70 649 620 539

Level 2, 550 Lonsdale Street Melbourne Victoria 3000 TELEPHONE: (03) 9225 7000

E-mail: <u>finance@parnellsbarristers.com.au</u> Website: <u>www.parnellsbarristers.com.au</u>

Please quote this Invoice Number in the reference for all payments. Invoice sent to

MATTER: Amy Boyd YOUR REFERENCE: OUR REFERENCE: MAT-092061

Date	Details	Time	Amount (incl GST)
25/07/2025	Ballarat Magistrates Court - Directions Hearing- One day, inclusive of preparation and drafting of further and better particulars and exhibits	N/A	\$2,750.00
	TOTAL PAYABLE (incl GST, \$250.00) AMOUNT DUE (incl GST, \$250.00)		\$2,750.00 \$2,750.00

#### **PAYMENT METHODS**



EFT

BSB: **633-000** 

Account Number: 184 358

224

Account Name: Parnell's Barristers Pty Ltd Clearing Account Reference: 00143846



**CHEQUE** 

Please make cheque payable to "Parnell's Barristers Pty Ltd"



**BPAY** 

Biller Code: 305086 Reference: 1438464

Call your bank, credit union or building society to make this payment from your cheque, savings or credit card account. \* Note: Credit Card payments incur a 1.2% surcharge.

In the absence of an arrangement to the contrary, these fees are payable within 30 days of this account.

This invoice is a bill for the purposes of the Legal Profession Act 2004 and the Legal Profession Uniform Law (Victoria), as applicable. If all or part of the legal costs referred to herein are not paid within 30 days, interest is payable on the unpaid costs at a rate that is equal to the Cash Target Rate (as specified by the Reserve Bank from time to time) plus 2%.

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- Discussing your concerns with us.
- Having our costs assessed.
- Making a complaint to the Legal Services Commissioner.
- Applying to set aside our costs agreement

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- Request an itemised bill (which request must be made within 30 days after the date on which the costs become payable.)
- Discuss your concerns with us.
- Seek a costs assessment. Such application must be made to the Supreme Court Costs Court within 12 months after:
  - (a) the bill was given or the request for payment was made, or
  - the costs were paid if neither a bill was given nor a request was made. (b)

There are limited circumstances in which the application may be made outside of 12 months.

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There is a monetary limitation of less than \$100,000 (indexed) for the total bill for legal costs in dispute OR, where the amount is \$100,000 or more, the amount of the legal costs in dispute is less than \$10,000 (indexed).

If money has been paid into our trust account for you, we hereby notify you that we will withdraw money from the trust account and apply it towards payment of our legal costs that are owed, in accordance with the LPUL and the Legal Profession Uniform General Rules 2015 and Legal Profession (Approved Clerks Trust Account) Rules 2015.