

PO Box 183
54 Lumsdens Lane
Koroit Vic 3282

16th January, 2024

Mrs Dot Wilcoxson
President ACDS Inc

Via Email

Dear Dot,

I have today been advised by Jarrod Ryan of Ryan & Co of the final cost of the action we instigated against Armstrong & Co Lawyers to recoup fees paid to them in the Janet Smith case.

The invoice just received totals \$8,040 (excluding GST). Copy attached. The total cost to the ACDS now totals \$11,265-09 (excluding GST) of which, I believe, \$3,225-09 (excluding GST) has been paid. This leaves an outstanding balance of \$8,040 (excluding GST). I am assured that there will be no further costs payable by the ACDS.

The Federal Council of the ACDS approved an allocation of up to \$5,000 plus GST to engage Ryan & Co to prosecute this case for the ACDS.

It is now apparent that I misunderstood communication from Jarrod Ryan in an email and discussion on or around 3rd August, 2023. This communication relates to additional costs to be incurred to issue further legal proceedings in the WA Magistrates Court. These costs estimated at \$10k to 15k were additional to those already incurred. As it transpired it was necessary to issue proceedings to bring the insurers for Armstrong & Co to the table and thus incur additional costs. The issuing of these proceedings resulted in the ACDS agreeing to a settlement of the case in the amount of \$20,000 payable to the ACDS.

It is good luck that a settlement was achieved that still leaves the ACDS in a better financial position, \$8,734-91, than it would have been had it not taken the action it did.

However, there is a principle at stake here. I have clearly failed in my duty to seek further approval from Federal Council to incur additional costs to pursue the case to the Magistrates Court.

It is therefore necessary that I tender my resignation from the position of Vice President of the ACDS effective immediately.

I will co-operate with you and the Federal Council to implement a smooth transfer to the new incumbent.

I would like to be able to reflect on an enjoyable time in the role over the last 18 plus months; however, as you are acutely aware we as an Executive have been subjected to unrelenting attack from a vocal minority of members. I salute you and the other members of the Executive for your dedication and perseverance in your roles.

With best regards.
Peter Smith