

**LEGAL PRACTICE COMMITTEE OF QUEENSLAND**

**OFFICE:** Brisbane  
**NUMBER:** 001/06

**Applicant:** LEGAL SERVICES COMMISSIONER

**AND**

**Respondent:** DAVID ROGER EDWARDS

**DISCIPLINE APPLICATION**

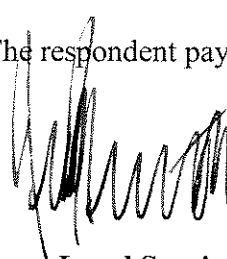
**A. DETAILS OF APPLICATION**

This application is made under section 276 of the *Legal Profession Act 2004* ("Act").

On the facts stated in the particulars of charge set out below, the applicant seeks the following orders:

1. Pursuant to section 282 of the Act that the respondent is guilty of unsatisfactory professional conduct.
2. Such further or other orders or directions as may be just.
3. The respondent pay the applicant's costs of the application.

Signed:



Description: Legal Services Commissioner

Dated:

9 January 2006

RECEIVED  
09 JAN 2006  
by *L. Hedman*  
LEGAL PRACTICE COMMITTEE

## B. PARTICULARS OF CHARGE

The Commissioner alleges that the following charge constitutes unsatisfactory professional conduct:

1. The respondent failed, for the financial periods ending 31 March 2003 and 31 March 2004, to comply with his obligations as trustee with respect to the audit requirements for his trust account.

### Particulars

- 1.1 For the period up to 30 June 2003, the respondent practised as a solicitor and is currently the trustee and sole signatory of the trust bank account relating to his former law practice known as David Edwards and Associates Coalfields Lawyers conducted at the National Australia Bank, Moranbah.
- 1.2 On 14 July 2003, the respondent commenced practice as a barrister-at-law. However, the respondent continues to maintain the trust account for his former law practice.
- 1.3 The respondent was obliged as trustee, in respect of each financial period ending 31 March, to cause his trust account records for his former law practice to be audited and to:
  - (a) by 31 May, lodge an auditor's report for that financial period in accordance with s.16(1) of the *Trust Accounts Act*; and
  - (b) by 14 June, lodge an audit certificate for that financial period in accordance with s.3 of the *Legal Respondent's Regulation 1996*.
- 1.4 In breach of his duty as a trustee, for the financial periods ending 31 March 2003 and 31 March 2004, the respondent failed to have his trust account audited and to lodge the audit report and audit certificate by the due dates.
- 1.5 The respondent has continued in his failure to lodge the audit report and audit certificate for the financial periods ended 31 March 2003 and 31 March 2004.

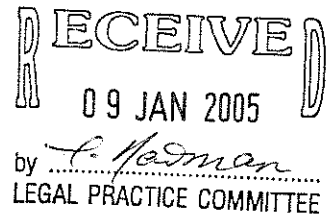
## C. TO THE RESPONDENT(S)

Mr David Roger Edwards  
C/- 26 Botticelli Street  
Fig Tree Pocket Q 4069

This application will be heard by the Committee at a time and date to be fixed.

RECEIVED  
09 JAN 2005  
by *S. Newman*  
LEGAL PRACTICE COMMITTEE

Filed with the Committee on 9/1/2006



Secretariat:

If you wish to contest this application, or to make submissions on penalty, you must lodge a Notice of Address for service with the Secretariat within fourteen [14] days of service of this application on you. The Notice should be in Form 8 to the Uniform Civil Procedure Rules. If you fail to file a Notice of Address for service with the Secretary within fourteen [14] days of service of this application on you, the matter will be heard in default of your appearance, on a date to be fixed being not less than twenty one [21] days after service of this application on you.

#### D. SERVICE

##### APPLICANT'S ADDRESS FOR SERVICE:

Name:	Legal Services Commission
Applicant's business address:	Level 25, 307 Queen Street. Brisbane Qld 4000
Address for service:	As Above
DX:	DX 40118 Brisbane Uptown
Telephone:	(07) 3406 7737
Fax:	(07) 34067749
E-mail address:	<a href="mailto:www.lsc@lsc.qld.gov.au">www.lsc@lsc.qld.gov.au</a>