

**LEGAL PRACTICE COMMITTEE OF QUEENSLAND**

**REGISTRY: Brisbane**  
**NUMBER: 001/06**

**Applicant: LEGAL SERVICES COMMISSIONER**

**AND**

**Respondent: DAVID ROGER EDWARDS**

**ORDER**

Before: Mr P Cooper (Chairperson), Mr M Conroy (Legal Practitioner) and Ms B Russell (Lay Member)

Date: 10 April 2006

Basis for Judgement: Originating Application filed on 09 January 2006

**THE ORDER, FINDINGS AND REASONS OF THE COMMITTEE:**

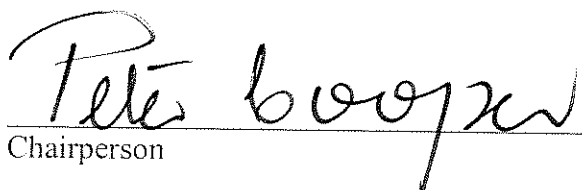
1. The practitioner has been charged with unsatisfactory professional conduct in that the practitioner failed for the financial periods ending 31 March 2003 and 31 March 2004 - with failure to lodge his audit certificates.
2. The Committee finds the conduct amounts to unsatisfactory professional conduct.
3. The Committee finds the practitioner guilty of unsatisfactory professional conduct.

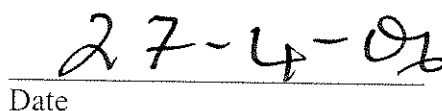
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ORDER  
Filed on behalf of the Applicant  
Form 59rr661

Legal Services Commission  
Level 25, 307 Queen Street  
Brisbane Qld 4000  
Telephone: (07) 3406 7737  
Facsimile: (07) 3406 7749

4. The Committee is of the opinion that the facts in this case are exceptional and would attract a fine and costs that would be less than would be normally expected. The exceptional circumstances including but not limited to the following, are:
- (a) the practitioner had little or no exposure to Queensland practice when he commenced in a remote location;
  - (b) the practitioner's bankruptcy generated significant practical problems in the discharge of his obligation as a trustee;
  - (c) his auditors were in Mackay;
  - (d) he had no fellow practitioner support to assist or mentor him;
  - (e) on the sale of the practice, he lost physical control of his files;
  - (f) on his relocation to Brisbane he was faced with significant logistical problems in satisfying the auditor's requests for production of material, notwithstanding that in some of those instances an audit would have been already carried out by Queensland Law Society Audit Department in calling for documentary evidence before they authorised his signature and release of trust funds.
5. The Committee noted that the practitioner's tenuous financial position - which counsel for the Legal Service Commission did not dispute.
6. The Committee imposes a penalty of \$500 and orders the practitioner pay costs fixed at \$500 to be paid into the Legal Practitioners Interest on Trust Accounts Fund.

  
Chairperson

  
Date

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