

LEGAL PRACTICE COMMITTEE OF QUEENSLAND

OFFICE: Brisbane
NUMBER: 005/08

Applicant: LEGAL SERVICES COMMISSIONER

AND

Respondent: MICHAEL PHILLIP SUMNER-POTTS

DISCIPLINE APPLICATION

A. DETAILS OF APPLICATION

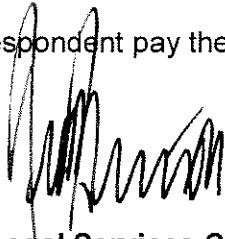
This application is made under section 452 of the *Legal Profession Act 2007* ("Act").

The applicant alleges that on the particulars of charge set out below, the respondent is guilty of unsatisfactory professional conduct.

Upon a finding that the respondent is guilty of unsatisfactory professional conduct the applicant seeks the following orders:

1. Disciplinary orders pursuant to section 458 of the Act.
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:

24/09/08

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B. PARTICULARS OF CHARGE


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

1. Between 11 August 2004 and 30 July 2006 the respondent engaged in conduct for which he was convicted in the Magistrates Court of Queensland at Cairns on 4 December 2006 of seven taxation offences.

Particulars

- 1.1 At all material times the respondent was:
 - (a) an Australian lawyer as defined by s5(1) of the Act; and
 - (b) admitted to practice as a barrister in the Supreme Court of Queensland.
- 1.2 On 4 December 2006 the respondent appeared before the Magistrates Court at Cairns and entered pleas of guilty to seven offences contrary to section 8C (1) (a) of the *Taxation Administration Act* 1995, namely failing to lodge Business Activity Statements ('BAS').
- 1.3 In respect of all charges the respondent was convicted and fined \$6,500, ordered to pay \$129.70 costs of court and ordered to lodge outstanding BAS to the Commissioner for Taxation on or before 31 January 2007.

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C. TO THE RESPONDENT(S)

Mr Michael Sumner Potts
 c/- Mr Miles Thompson
 Myles Thompson Lawyers
 P O Box 2554
CAIRNS Q 4879

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

Filed with the Committee on 24/09/2008

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Secretariat:

by
 LEGAL PRACTICE COMMITTEE

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 Secretariat 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:	www.lsc@lsc.qld.gov.au