

## ***In the Matter of Practitioner X***

**Case No:** SC/393  
**Date of Hearing:** 29 July 1997  
**Appearing Before:** Mr V J Vandeleur –  
Chairman  
Mr G C Fox  
Ms C C Endicott  
**Penalty:** Fined \$15,000

### **Charges**

On 29 July 1997 the Statutory Committee heard charges laid by the Council of the Queensland Law Society against a practitioner by Application dated 23 May 1997.

The charges brought against the practitioner were:

1. That he signed as witness of a Deed of Loan which was purported to have been executed on 30 March 1993 but which was not executed until after 20 September 1993, as the practitioner well knew. The practitioner thereby falsely represented that the Deed of Loan had been executed on 30 March 1993.

2. That the practitioner signed as witness a Bill of Mortgage purported to have been executed on 30 March 1993, but which was not in fact executed until after September 1993, as the practitioner well knew. The practitioner thereby falsely represented that the Bill of Mortgage had been executed on 30 March 1993.
3. On 24 May 1994 the practitioner falsely represented at a creditors' meeting that the Bill of Mortgage had been executed in March 1993, when in fact he knew that the Bill of Mortgage had not been executed until after 20 September 1993.

### **Finding and Orders**

The Statutory Committee found the charges proven. It did not accept as submitted by the defendant that the falsity of the date of those documents was unintended and made without knowledge of its potential consequences.

The Committee found that those charges constituted professional misconduct, found the practitioner guilty of professional misconduct and fined him the sum of \$15,000.

### **Appeal**

Both the Council of the Society and the Attorney-General have lodged appeals against the inadequacy of the penalty.