

QUEENSLAND CIVIL AND ADMINISTRATIVE TRIBUNAL

CITATION: *Legal Services Commissioner v Randall* [2019] QCAT
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PARTIES: **LEGAL SERVICES COMMISSIONER**
(applicant/appellant)
v
WILLIAM JOHN RANDALL
(respondent)

APPLICATION NO/S: OCR025-19

MATTER TYPE: Occupational Regulation

DELIVERED ON: 16 August 2019

HEARING DATE: On the papers

HEARD AT: Brisbane

DECISION OF: Justice Daubney, President

Assisted by:

Mr Scott Anderson

Dr Susan Dann

ORDERS:

- 1. It is recommended that the name of the respondent, William John Randall, be removed from the roll of legal practitioners in Queensland;**
- 2. The respondent shall pay the applicant's costs of and incidental to this discipline application, such costs to be assessed on the standard basis in the manner in which such costs would be assessed if the matter were in the Supreme Court of Queensland.**

CATCHWORDS: PROFESSIONS AND TRADES – LAWYERS – COMPLAINTS AND DISCIPLINE – PROFESSIONAL MISCONDUCT AND UNSATISFACTORY PROFESSIONAL CONDUCT – CRIMINAL OFFENCES – where the respondent was convicted of 18 child sex offences committed over a period of 12 years while a sitting magistrate – where the applicant seeks a finding that this conduct amounted to professional misconduct and that the respondent's name be removed from the roll of legal practitioners in Queensland – whether the conduct constitutes professional misconduct under s 419 of the *Legal Profession Act 2007* – whether to recommend that the respondent's name be removed

from the roll of legal practitioners in Queensland

Legal Profession Act 2007, s 9, s 419, s 452, s 462

REPRESENTATION:

Applicant: Martin Kelly, Principal Legal Officer, Legal Services Commissioner

Respondent: Self-represented

APPEARANCES:

This matter was heard and determined on the papers pursuant to s 32 of the *Queensland Civil and Administrative Tribunal Act 2009* (Qld).

REASONS FOR DECISION

- [1] By this discipline application brought pursuant to s 452 of the *Legal Profession Act 2007* (“*LPA*”), the applicant Legal Services Commissioner, seeks an order that the name of the respondent, William John Randall, be removed from the roll of legal practitioners of this State. The particular relied on for the applicant asserting that the respondent ought be found to have committed professional misconduct is that on 21 November 2017 he was convicted of a range of serious offences.
- [2] The respondent was admitted as a solicitor of the Supreme Court of Queensland on 9 June 1981. He has never practised as a solicitor, and has never held a practising certificate. He was, however, a sitting magistrate at the time of his offending. The respondent indicated, both directly to the applicant and by his response to the discipline application, that he consents to the orders sought in this discipline application.
- [3] It is sufficient to note that in November 2017 the respondent was convicted, after trial by jury, of some 18 child sex offences which were committed over a period of some 12 years. One of those included maintaining an unlawful sexual relationship with a child for a period of 12 years. For having committed those offences, the respondent is now serving a term of 11 years’ imprisonment. He is also the subject of a declaration that one of the convictions is a serious violent offence.
- [4] Section 419 of the *LPA* provides:

419 Meaning of professional misconduct

(1) *Professional misconduct* includes –

- (a) unsatisfactory professional conduct of an Australian legal practitioner, if the conduct involves a substantial or consistent failure to reach or keep a reasonable standard of competence and diligence; and
- (b) conduct of an Australian legal practitioner, whether happening in connection with the practice of law or happening otherwise than in connection with the practice of law that would, if established, justify a finding that the practitioner is not a fit and proper person to engage in legal practices.

(2) For finding that an Australian legal practitioner is not a fit and proper person to engage in legal practice as mentioned in subsection (1), regard may be had to the suitability matters that would be considered if the practitioner were an application for admission to the legal profession under this Act or for the grant or renewal of a local practising certificate.

- [5] Whilst this offending did not occur in connection with the practice of law, regard must be had to s 419(1)(b) and s 419(2) of the *LPA*. By s 9(1)(d) of the *LPA*, “suitability matter” relevantly includes whether a person has been convicted of an offence, and if so the nature of the offence, how long ago the offence was committed, and the person’s age when the offence was committed.
- [6] The conduct for which the respondent was convicted was heinous and repugnant to the moral sensibilities of all right-thinking members of the community. It was conduct which, of itself, amply supports a finding that the respondent is not a fit and proper person to engage in legal practice.
- [7] There will accordingly be a finding that the respondent engaged in professional misconduct.
- [8] The nature, and extent, of the conduct is also such as to inform the order which ought be made as a consequence of that finding. It was conduct which is incompatible with the personal qualities essential for practice as a legal practitioner. By engaging in this conduct, the respondent effectively forfeited the privilege of ongoing membership of an honourable profession.
- [9] Noting again that this course of action is consented to by the respondent, the Tribunal considers it appropriate in the present case to recommend that the respondent’s name be removed from the roll of practitioners.
- [10] By s 462 of the *LPA*, the respondent is required to pay the applicant’s costs of this discipline application.
- [11] Accordingly, the orders of the Tribunal are as follows:
1. It is recommended that the name of the respondent, William John Randall, be removed from the roll of legal practitioners in Queensland;
 2. The respondent shall pay the applicant’s costs of and incidental to this discipline application, such costs to be assessed on the standard basis in the manner in which such costs would be assessed if the matter were in the Supreme Court of Queensland.