

25 October 2018

Hon Yvette D'Ath
Attorney-General and Minister for Justice
by email: attorney@ministerial.qld.gov.au

Our ref KT:MD

Dear Attorney

Operation Stockade

I write further to recent arrests by the Crime and Corruption Commission Queensland (CCC) of four Queensland solicitors as a part of Operation Stockade.

Since learning of the arrests last Sunday the Society has been very active in addressing the issues arising directly from the arrests and more broadly. I thought it worthwhile to provide you a precis of that action.

On Monday 22 and Tuesday 23 October, I provided a statement to the press outlining our role as a regulator for Queensland solicitors entitled "QLS stands ready to assist crime watchdog investigating four criminal lawyers charged with myriad offences"¹. Notably, that statement provided:

"QLS takes matters such as this very seriously and the public deserve answers when a lawyer is charged with committing criminal acts," Mr Taylor said.

"The Society at all times fully cooperates with Queensland's Crime and Corruption Commission and will continue to do so during its current and on-going Operation Stockade.

"All four accused men have a duty to notify QLS about the details of the charges against them and if substantiated the Society will take appropriate action as part of its regulatory responsibilities.

"It is important to note at this stage these are just allegations — that everybody, including lawyers — are entitled to the presumption of innocence until the matter is handled by the courts."

¹ Available at

http://www.qls.com.au/About_QLS/News_media/Media_releases/QLS_stands_ready_to_assist_crime_watchdog_investigating_four_criminal_lawyers_charged_with_myriad_offences

On Wednesday 24 October, I provided a statement² to our membership through our weekly QLS Update e-newsletter. Relevantly it included:

Law has many areas of specialty and usually there is little intersection between many of its practitioners. We have seen, however, in the recent media reports resulting from arrests as part of a Crime and Corruption Commission (CCC) operation focusing on a law firm and content from the previously published CCC 2017/18 Annual Report that there are times when we are all simply identified as lawyers. The reputation of us as a profession relies upon the good conduct of each one of us in all that we do, regardless of where we practice or who our clients are.

We are currently aware of four criminal lawyers and two former clients arrested as part of Operation Stockade on charges of fraud and money laundering. According to the CCC, these arrests follow an 18-month major crime investigation.

As you can imagine, we are concerned by these arrests and are following the process set out in the Legal Profession Act 2007 closely. We take matters such as these very seriously, and appreciate that both the community and the profession want answers.

As a profession bound by ethics and founded upon honesty and integrity, it is disappointing to hear allegations that any of our members may have deviated from that path. It is also worth noting that there are only charges amounting to allegations at this stage and not convictions.

...

We actively oppose, educate and guide against any illegal or unethical behaviour by members of our profession. This alleged behaviour is completely at odds with what the solicitors of Queensland continue to do each day to assist their clients and the community with integrity, competence and the spirit of public service. This is the true message of our profession and our real measure.

At this time, I would also like to point members to the QLS Ethics and Practice Support Centre's Guidance Statement No.13 – Proceeds of crime compliance and Anti-Money Laundering. This statement explains the ethical obligations under anti-money laundering and proceeds of crime legislation for solicitors and firms when receiving funds from clients.

Our Guidance Statement³ on handling money cited above was released by the Society to its members in August this year and deals directly with ensuring law firms do not receive the proceeds of crime and do not become unwittingly involved in money-laundering.

I have today written to the Chairperson of the CCC again pledging our support and requesting they share with us evidence sufficient to permit us to take any steps necessary to protect the public. We note in our letter that the equivalent NSW legal profession legislation has a provision expressly empowering the local regulatory authority to suspend a practising certificate where a charge of a serious offence has been made but has not yet been

² http://www.qls.com.au/About_QLS/News_media/News/Presidents_update_24_October_2018

³

http://www.qls.com.au/Knowledge_centre/Ethics/Guidance_Statements/Guidance_Statement_No_13_%E2%80%93_Proceeds_of_crime_compliance_and_Anti-Money_Laundering

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determined, but our Act has no corresponding specific power. In this context evidence beyond the mere fact of charge is needed to take action against any solicitor.

Additionally, I have written to both the CEO of Legal Aid Queensland and the Acting Legal Services Commissioner to seek to meet with them together to discuss the role of preferred suppliers in light of the reported alleged conduct.

I will endeavour to keep you updated with further developments.

Yours faithfully

A handwritten signature in black ink, appearing to be 'Ken Taylor', with a long horizontal flourish extending to the right.

Ken Taylor
President