QUEENSLAND CIVIL AND ADMINISTRATIVE TRIBUNAL

CITATION:	*Legal Services Commissioner v Rigley* [2025] QCAT 526
PARTIES:	**LEGAL SERVICES COMMISSIONER** (applicant) **v** **LANCE GEOFFREY RIGLEY** (respondent)
APPLICATION NO/S:	OCR257 of 2024
MATTER TYPE:	Occupational regulation matters
DELIVERED ON:	19 December 2025
HEARING DATE:	10 November 2025
HEARD AT:	Brisbane
DECISION OF:	Justice Burns Assisted by: Mr John Sneddon, Practitioner Panel Member Dr Julian Lamont, Lay Panel Member
ORDERS:	**THE ORDERS OF THE TRIBUNAL ARE:** **1. In respect of each charge, there is a finding of professional misconduct.** **2. The Tribunal recommends that the name of the respondent be removed from the local roll.** **3. The respondent shall pay the applicant's costs of the application, such costs to be agreed or assessed on the standard basis as if the application was a proceeding before the Supreme Court of Queensland.**
CATCHWORDS:	PROFESSIONS AND TRADES – LAWYERS – COMPLAINTS AND DISCIPLINE – PROFESSIONAL MISCONDUCT AND UNSATISFACTORY PROFESSIONAL CONDUCT – CRIMINAL OFFENCES – where the respondent, a legal practitioner, was dealt with in the criminal courts for fraud perpetrated with respect to money held on trust for several clients – where the applicant Commissioner subsequently brought a discipline application in which the conduct underlying the respondent's conviction for fraud was relied on to ground a disciplinary charge – where 11 other charges were advanced under cover of the disciplinary application in which the respondent was alleged to have withdrawn

trust account money without lawful authority and to have failed to respond to, or comply with, a series of statutory investigative notices issued by the applicant – where the respondent did not contest any of the charges – where the respondent accepted that his conduct overall ought result in the removal of his name from the local roll – whether it should be ordered that the respondent's name be removed from the local roll – whether the respondent, an undischarged bankrupt, should be ordered to pay the applicant's costs of the application

Bankruptcy Act 1966 (Cth), s 58(3), 82
Legal Profession Act 2007 (Qld), s 9, s 258, s 419, s 420, s 424, s 443, s 456

Attorney-General v Bax [1999] 2 Qd R 9, cited
Barristers' Board v Darveniza (2000) 112 A Crim R 438, cited
Legal Services Commissioner v Bui [2018] QCAT 424, followed
Legal Services Commissioner v Lawrence [2018] QCAT 206, followed
Legal Services Commissioner v Shand [2018] QCA 66, applied
Legal Services Commissioner v Tang [2025] QCA 206, applied

APPEARANCES & REPRESENTATION:	
Applicant:	A Angeli of Counsel, instructed by the Legal Services Commission
Respondent:	M Keogh (sol), Keogh & Co Lawyers

REASONS FOR DECISION

[1] This discipline application was brought by the applicant Commissioner pursuant to the provisions of the *Legal Profession Act 2007* (Qld) against the respondent, Lance Geoffrey Rigley. In all, 12 charges were alleged against him arising out of conduct which was said to have occurred between 23 February 2010 and 19 July 2018. None of the charges were contested.

[2] The respondent was admitted to practice in Queensland on 21 July 1986. At all material times to the charges, he was the sole practitioner principal of Buck Rigley and Associates.

[3] In late 2017, the Queensland Law Society undertook a review of the trust accounts maintained by the respondent's practice. This revealed inadequacies in the trust account records and, of even greater concern, that funds held in trust had not been handled in accordance with the requirements of the governing legislation. On 5 April

2018, the practice was placed into the receivership of the Executive Committee of the Council of the Society. Not long after (30 June 2018), the respondent's practising certificate expired. He did not seek to renew it.

[4] In September 2018, various matters revealed by the Society's review were referred to the Queensland Police Service for investigation. This duly occurred, and an investigation ensued. It culminated in the respondent being charged on indictment with fraud, pleading guilty and being incarcerated.

[5] This application proceeded on an agreed statement of facts. The respondent admitted he engaged in either unsatisfactory professional conduct or professional misconduct and accepted that the particulars for all 12 charges were proved by the Commissioner to the requisite standard. He made no attempt to adduce any evidence to "indicate remediation of his lack of fitness to practice as of now or at some future time" and agreed to the making of an order by the Tribunal recommending that his name be removed from the local roll pursuant to s 456(2)(a) of the Act.

The conduct

[6] **Charge 1** relies on the respondent's conviction for fraud. Over the period charged – between 23 February 2010 and 2 December 2017 – the respondent received various amounts in the trust account for the practice from several different clients to provide legal services. He subsequently withdrew sums which exceeded the value of the legal services he actually provided. The amount of money taken by the respondent on each such occasion ranged from between $1,288.92 and $12,603.23 and totalled $80,683.51.

[7] On 6 February 2020, the respondent was charged by police with fraud pursuant to s 408C of the *Criminal Code* (Qld). On 21 November 2022 he pleaded guilty to that charge in the District Court of Queensland at Brisbane. He was sentenced to imprisonment for three years, which term was suspended after serving six months.

[8] **Charges 2, 3** and **4** each concerned the withdrawal of trust money without lawful authority between 25 February 2016 and 10 July 2017. Although costs agreements were in place with each of the clients affected by the respondent's conduct, none of the conditions for lawful withdrawal existed.[1] The total amounts withdrawn varied: for **charge 2**, approximately $2,000.00; for **charge 3**, approximately $5,000.00; and for **charge 4**, approximately $1,750.00.

[9] **Charges 5, 6, 7, 8, 9, 10, 11** and **12** all concern the respondent's failure to comply with notices issued by the Legal Services Commission pursuant to s 443 of the Act. The notices in question were sent between 13 February 2018 and 19 July 2018. For each such charge, the Commission issued successive notices pursuant to ss 443(1)(a)(i) and 443(3) of the Act but the respondent failed to respond to, or comply with the requirements of, either notice.

---

1 Whether under s 258(1)(b) of the Act, the provisions of the *Legal Profession Regulation 2007* (Qld) applicable at the time of withdrawal or at all.

Characterisation

[10] Professional misconduct includes conduct by a legal practitioner in connection with the practice of the law or happening otherwise than in connection with the practice of the law that would, if established, justify a finding that the practitioner is not a fit and proper person to engage in legal practice: s 419(1)(b) of the Act. In determining whether a practitioner is not a fit and proper person to engage in legal practice for this purpose, regard may be had to the suitability matters that would be considered if the practitioner were an applicant for admission, or for the grant or renewal of a local practising certificate. These matters include whether the practitioner has been convicted of an offence in Australia and, if so, the nature of the offence and how long ago the offence was committed: s 9(1)(c) of the Act. Furthermore, in the case of **charge 1**, the respondent's conviction for fraud was a conviction for a serious offence as well as a conviction for an offence involving dishonesty within the meaning of s 424 of the Act. Because of this, s 420(1)(c) of the Act provides that such conduct is capable of constituting unsatisfactory professional conduct or professional misconduct.

[11] However, regardless of what is expressed in ss 420 and 424 of the Act, it scarcely needs to be recorded that the conduct constituting **charge 1** involved patent dishonesty or that the same observation may be made in the case of each of the three charges which follow. Honesty is a fundamental and non-negotiable character attribute required of every legal practitioner. Without it, the practitioner will be lacking in the ethical substance required of a member of the profession. Indeed, "conduct which undermines the trustworthiness of the practitioner, or which suggests a lack of integrity or that the practitioner cannot be trusted to deal fairly within the system which he or she practises" is well recognised as the species of conduct most likely to result in an order recommending the removal of that practitioner's name from the local roll.[2] That likelihood will be realised in the case such as this where the conduct was not only dishonest but was persistent and protracted, involving numerous fraudulent transactions.

[12] As such, the Tribunal has no difficulty in finding that the conduct constituting charges **1**, **2**, **3** and **4** amounts to professional misconduct within the meaning of s 419(1)(b) of the Act. The Tribunal otherwise has no hesitation finding those charges to be proved to the requisite standard and in concluding that each amounts to professional misconduct.

[13] As to the balance of the charges, each is also proved to the requisite standard. The notices were sent, and each was ignored by the respondent. Section 443 of the Act provides the Commission and the Society with powers for the conduct of investigations. So far as is relevant, this provision empowers the Commission to require a practitioner who is the subject of an investigation to give, in writing or personally, and within a stated reasonable time, a full explanation of the matter being investigated: s 443(1)(a)(i). If the practitioner fails to comply with the notice, the Commission is empowered to give a further notice to the effect that, if the failure persists for a further 14 days, the practitioner may be dealt with for professional misconduct: s 443(3).

[14] Where, as is the case in each of charges **5**, **6**, **7**, **8**, **9**, **10**, **11** and **12**, the failure

---

2 *Barristers' Board v Darveniza* (2000) A Crim R 438, [33].

continued beyond the period specified in the second notices, the respondent will have committed professional misconduct unless the practitioner has a reasonable excuse for not complying with the requirement within that period: s 443(4)(a) of the Act. The respondent had no excuse, reasonable or otherwise, for not doing so.

[15] The respondent's failings in these respects go beyond a mere absence of cooperation; they constitute in each instance a refusal to comply with his statutory obligations. The seriousness of such conduct should not be understated. As was previously observed by the Tribunal in *Legal Services Commission v Bui*:[3]

> "Section 443 confers on, relevantly, the applicant, various powers for the purposes of undertaking investigations under the LPA. The fundamental power to require a practitioner to provide an explanation of matters which are under investigation not only accords with fundamental principles of natural justice and appropriate investigative procedure, it is an essential tool in the investigative armoury of a regulator such as the Applicant. The system only works if people respond to inquiries that are made. It is a serious matter for a practitioner to ignore a notice given under s 443 for the provision of information. It exhibits a fundamental lack of appreciation of the responsibilities which practitioners owe to the profession in general and evinces a lack of understanding of the role of the regulator in ensuring probity within the ranks of the profession.
>
> A failure to respond to a s 443 request for information is a serious matter and a practitioner who ignores a s 443 notice could expect to have serious consequences visited upon them for that failure. There is no doubt that the respondent has failed to respond to the s 443 notice given in this case.
>
> …
>
> In relation to charge two I have already referred to the importance of s 443 and equally, the importance of solicitors understanding the need to respond to notices under s 443. It is notable that even to this date, the respondent has still not responded to the s 443 notice that was given to him. It has been noted previously in this Tribunal that solicitors need to understand that correspondence to them from either or both of the LSC or the QLS is a serious business and demands response. Solicitors cannot simply think that matters are going to go away and leave them alone; they will not. The respondent's conduct in the present case strikes at the heart of his professionalism and, in the view of the Tribunal, demonstrates a clear disregard of his obligations under the LPA. In those circumstances the Tribunal is satisfied that charge two is made out and finds that the appropriate characterisation in respect to the conduct referred to in charge two is that of professional misconduct".[4]

[16] The Tribunal respectfully adopts these observations. Furthermore, the respondent's conduct in the case of each of **charges 5** to **12** was, like the fraud he perpetrated on his clients, persistent. Again, the Tribunal has no hesitation in characterising that conduct as professional misconduct.

---

3 *Legal Services Commission v Bui* [2018] QCAT 424.

4 Ibid, [14]-[15], [19].

Sanction

[17] Section 456(1) confers on the Tribunal a discretion consequent on a finding of unsatisfactory professional conduct or professional misconduct to make one or more of the orders specified in that section. These include an order recommending that a practitioner's name be removed from the local roll: s 456(2)(a). The discretion to do so is a broad one and, although not expressed to be subject to any particular constraint, it is to be exercised for the purposes for which the power is conferred, that is to say, to protect the public.[5] As Pincus JA held in *Attorney-General v Bax*,[6] the removal of the name of an unfit practitioner from the roll serves to protect the public and the profession's standing and, further to that, it has a deterrent effect which operates to protect the public against similar defaults by other practitioners.[7] As the Court of Appeal recently observed in *Legal Services Commissioner v Tang*:[8]

> "Maintenance of public confidence in the profession is a critical element of maintaining public confidence in the courts and the administration of justice. The community and the courts must be able to rely upon the honesty and integrity of practitioners".[9]

[18] Where the evidence establishes that a practitioner is not a fit and proper person to engage in legal practice, "the purposes … described required that his or her name be removed from the roll", absent something to indicate that he or she is likely to become a person who will be fit to be a legal practitioner.

[19] In a case such as this, involving as it does such brazen dishonesty, the very nature of the conduct strikes at the heart of the protected purposes of the Act and demonstrates "a character fundamentally at odds with that required of a legal practitioner".[10] It bespeaks an unfitness to practise, a conclusion which is only further reinforced by the respondent's proven refusal to comply, time and time again, with statutory obligations which exist for the protection of the public. The purposes for which the disciplinary power is conferred under the Act therefore require the respondent's name to be removed from the roll unless there has been any change such that the respondent is, or is likely to become, a person who is fit to be a legal practitioner.[11] As earlier recorded, no evidence was advanced to that effect and no attempt otherwise was made to do so. The Tribunal will accordingly recommend that the name of the respondent be removed from the local roll.

Costs

[20] The respondent was made bankrupt in September 2019 and has still not been discharged. For this reason, it was submitted he does not have the means to pay a costs order. However, as the Tribunal held in *Legal Services Commissioner v Lawrence*,[12] s 462 of the Act mandates that such an order should be made unless exceptional circumstances exist. An order for costs will remain enforceable long after

---

5 *Legal Services Commissioner v Shand* [2018] QCA 66, [52].
6 [1999] 2 Qd R 9, 22.
7 And see *Legal Services Commissioner v Shand* [2018] QCA 66, [53]-[55].
8 [2025] QCA 206.
9 Ibid, [27].
10 *Legal Services Commissioner v Tang* [2025] QCA 206, [44].
11 *Legal Services Commissioner v Shand* [2018] QCA 66, [56]-[57].
12 [2018] QCAT 206.

the respondent ceases to be bankrupt. Simply, the liability to meet such an order is not a provable debt in his bankruptcy[13] and, accordingly, a costs order will not be rendered unenforceable under the governing legislation.[14] The respondent has not otherwise attempted to establish that the circumstances of his case are exceptional. It follows that an order for costs must be made.

Orders

[21] The following orders will be made:

(a) In respect of each charge, there is a finding of professional misconduct;

(b) The Tribunal recommends that the name of the respondent be removed from the local roll; and

(c) The respondent shall pay the applicant's costs of the application, such costs to be agreed or assessed on the standard basis as if the application was a proceeding before the Supreme Court of Queensland.

---

13 *Bankruptcy Act 1966* (Cth), s 82.

14 Ibid, s 58(3).