JURISDICTION	:	STATE ADMINISTRATIVE TRIBUNAL
STREAM	:	VOCATIONAL REGULATION
ACT	:	LEGAL PRACTICE ACT 2003 (WA)
CITATION	:	LEGAL PRACTITIONERS COMPLAINTS COMMITTEE and SKEA [2005] WASAT 196
MEMBER	:	JUSTICE M L BARKER (PRESIDENT) MR D R PARRY (SENIOR MEMBER) MS J STANTON (SENIOR SESSIONAL MEMBER)
HEARD	:	20 JULY 2005
DELIVERED	:	11 AUGUST 2005
FILE NO/S	:	VR 11 of 2004
BETWEEN	:	LEGAL PRACTITIONERS COMPLAINTS COMMITTEE Applicant AND ROHAN GEORGE SKEA Respondent

Catchwords:

Legal practitioner – Professional behaviour – Legal Practitioners Complaints Committee allegations of illegal conduct and unsatisfactory conduct – Jurisdiction to make finding that legal practitioner is guilty of unsatisfactory conduct – Legal practitioner convicted of an offence – Tribunal finding of unsatisfactory conduct - Disciplinary powers of Tribunal – Tribunal decision not to exercise powers of discipline under s 187 Legal Practice Act 2003 – Tribunal to transmit report to Supreme Court (full bench) pursuant to s 185 (2)(a) Legal Practice Act 2003 – Report finding practitioner guilty of unsatisfactory conduct

– Practitioner suspended by Tribunal from practice pending determination of the Supreme Court (full bench)

Words and phrases – "fit and proper person", "unsatisfactory conduct"

Legislation:

Legal Practice Act 2003, Part 12, s 3, s 162, s 164(1)(f), s 185(1), s 185(2), s 185(2)(a), s 185(3), s 185(4), s 187, s 190(1), s 190(2), s 194, s 194(1), s 194(2), s 250A(1), s 250A(2)
State Administrative Tribunal (Conferral of Jurisdiction) Act 2004 (WA), Div 72
State Administrative Tribunal Act 2004 (WA), s 167(4)

Result:

Report transmitted to the Supreme Court (full bench) pursuant to s 185(2)(a) of the *Legal Practice Act 2003* (WA)

Category: B

Representation:

Counsel:

Applicant	:	B J H Goetze
Respondent	:	R E Birmingham QC

Solicitors:

Applicant	:	Legal Practitioners Complaints Committee
Respondent	:	N/A

Case(s) referred to in decision(s):

New South Wales Bar Association v Cummins (2001) 52 NSWLR 279 at 289
Re A Barrister and Solicitor (1979) 40 FLR 1
Re A Practitioner unreported Supreme Court of Western Australia Library No 970354 delivered 18 July 1987

Re Maraj (1995) 15 WAR 12
Re Wheare [1893] 2 QB 439
Ziems v The Prothonotary of the Supreme Court of NSW (1957) 97 CLR 279

Case(s) also cited:

Nil

REASONS FOR DECISION OF THE TRIBUNAL:

Summary of Tribunal's decision

1 On 27 August 2004, following his plea of guilty to 37 counts of fraud, Rohan George Skea (a legal practitioner) was sentenced in the District Court of Western Australia to a total term of six years imprisonment, with eligibility for parole.

2 In proceedings in the State Administrative Tribunal the Legal Practitioners Complaints Committee alleged that Mr Skea's convictions on the 37 counts of fraud constituted "unsatisfactory conduct" under the *Legal Practice Act 2003* (WA) (the Act) and that he should have his name struck from the Roll of Practitioners in Western Australia.

3 At a hearing before the Tribunal on 20 July 2005, Mr Skea, through Senior Counsel, admitted that he was guilty of "unsatisfactory conduct" under the Act and that it was inevitable that his name should be struck from the Roll of Practitioners in this State.

4 The Tribunal found that Mr Skea was guilty of "unsatisfactory conduct" under the Act in terms of the reference filed by the Complaints Committee in the Tribunal.

5 The Tribunal resolved to make and transmit a report on this finding to the Supreme Court (full bench) pursuant to s 185(2)(a) of the Act to enable the Supreme Court (full bench) to determine whether Mr Skea's name should be struck from the Roll of Practitioners.

6 In the meantime, the Tribunal ordered that Mr Skea be suspended from practice.

7 The Tribunal also ordered that Mr Skea pay the Complaints Committee's costs fixed in the sum of $1000.

Reference to the Tribunal

8 The *Legal Practice Act 2003* (WA) (the Act) currently regulates legal practice and legal practitioners in the State of Western Australia. Complaints and discipline concerning legal practitioners are governed by Part 12 of the Act. Section 162 of the Act establishes the Legal Practitioners Complaints Committee. By the Act s 164(1)(f), the functions of the Complaints Committee include the function, "if the

Complaints Committee considers it appropriate to do so, and whether or not it has conducted an inquiry, to institute professional disciplinary proceedings against a legal practitioner before the State Administrative Tribunal".

9 Prior to 1 January 2005, when the State Administrative Tribunal came into operation, s 164(1)(f) gave the Complaints Committee the same function, but provided for the institution of professional disciplinary proceedings against a legal practitioner before the Legal Practitioners Disciplinary Tribunal.

10 Since 1 January 2005, pursuant to the terms of the Act and the 164(1)(f) *State Administrative Tribunal (Conferral of Jurisdiction) Act 2004* (WA) Div 72, the State Administrative Tribunal (the Tribunal) has replaced the Legal Practitioners Disciplinary Tribunal for the purpose of complaints and discipline under the Act, and by virtue of the *State Administrative Tribunal Act 2004* (WA) s 167(4) matters that were pending before the Disciplinary Tribunal as at 1 January 2005, were transferred to the Tribunal.

11 By a reference to the Disciplinary Tribunal dated 8 October 2004, the Complaints Committee allege that "Rohan George Skea [the practitioner] was:

> (1) guilty of illegal conduct between on or about 12 December 2000 and on or about 24 December 2003; and
>
> (2) guilty of unsatisfactory conduct by illegal conduct on or about 13 February 2004."

12 Thirty seven particulars of the illegal conduct were provided in the reference. The reference is attached to these reasons as Annexure A.

13 In each case the Complaints Committee allege that "with intent to defraud, by deceit or fraudulent means" the practitioner gained a benefit of money from a company, Showtrax International Pty Ltd.

14 By reason of the operation of the State Administrative Tribunal legislation referred to, on 1 January 2005 the reference to the Disciplinary Tribunal was transferred to the State Administrative Tribunal.

15 On 20 July 2005, the reference came on for hearing before this Tribunal.

The practitioner's answer

16 By the practitioner's answer filed in the Disciplinary Tribunal and dated 14 November 2004, the practitioner admitted that "he was guilty of illegal conduct and unsatisfactory conduct as particularised in the reference dated 7 (sic) October 2004."

17 At the hearing before this Tribunal on 20 July 2005, Mr Birmingham QC, who appeared on behalf of the practitioner, confirmed that the practitioner admitted the practitioner was guilty of illegal conduct and unsatisfactory conduct as particularised in the reference and confirmed the answer previously filed by the practitioner in that regard.

The disciplinary powers of the Tribunal

18 By s 185(1) of the Act, "[t]he [Tribunal] has jurisdiction to make a finding that a legal practitioner is guilty of unsatisfactory conduct".

19 By s 185(2), "[o]n making a finding in respect of the legal practitioner under subsection (1) the [Tribunal] may –

(a) make and transmit a report on the finding to the Supreme Court (full bench); or

(b) deal with the legal practitioner as specified in section 187".

20 By s 185(3), "[i]f the [Tribunal] transmits a report in respect of a legal practitioner to the Supreme Court (full bench) under subsection (2)(a) the Tribunal may, pending the determination of the Supreme Court (full bench) -

suspend the legal practitioner from practice; or

restrict the entitlement of the legal practitioner to practice".

21 By s 185(4), "[w]here appropriate, a report forwarded under subsection (2)(a) may include a record of the evidence taken at the hearing".

22 By s 194(1), "[i]f the [Tribunal] under s 185(2)(a) or s 190(4)(b) makes and transmits a report in respect of a legal practitioner to the Supreme Court (full bench), the report is to be taken to be conclusive as to all facts and findings mentioned or contained in the report".

23 By s 194(2), "[t]he Supreme Court (full bench) may, upon motion and upon reading the report, and without any further evidence, fine,

suspend from practice, or strike off the Roll of Practitioners the legal practitioner or make any order which the [Tribunal] might make under s 185(2)(b)".

24 By s 187, the Tribunal may make a number of disciplinary orders in respect of a legal practitioner but they do not include suspension from practice for a period exceeding two years or striking the legal practitioner off the Roll of Practitioners. Accordingly, if, having heard a reference, the Tribunal decides that a practitioner should be struck off the Roll of Practitioners, the Tribunal must make and transmit a report to that effect to the Supreme Court (full bench).

25 By s 250A(1) and (2), the Tribunal cannot exercise it powers under s 185(2)(a) and make and transmit a report to the Supreme Court (full bench) or order the suspension of a legal practitioner from practice, unless the Tribunal is constituted so as to include the President.

26 The Tribunal, for the purposes of this reference, is appropriately constituted to enable it to make and transmit a report to the Supreme Court (full bench) that the practitioner should have his name struck off the Roll of Practitioners.

The question of "unsatisfactory conduct"

27 Section 3 of the Act defines the expression "unsatisfactory conduct" to include –

> "(a) unprofessional conduct on the part of a legal practitioner, whether occurring before or after admission as a legal practitioner;
>
> (b) illegal conduct on the part of a legal practitioner, whether occurring before or after admission as a legal practitioner;
>
> (c) neglect, or undue delay, in the course of legal practice;
>
> (d) a contravention of this Act, the regulations or the rules; and
>
> (e) conduct occurring in connection with legal practice that falls short of the standard of competence and diligence that a member of the public is entitled to expect of a reasonably competent legal practitioner."

28 In this case the two allegations made against the practitioner by the Complaints Committee each refer to "illegal conduct" by the practitioner at material times.

29 The practitioner, by his answer and through senior counsel who represented him at the hearing before the Tribunal, admitted his illegal conduct.

30 Section 190(1) of the Act provides that the Tribunal

> "may make a finding that a legal practitioner is guilty of unsatisfactory conduct on it being shown that –
>
> (a) the legal practitioner has been convicted of an offence by or before a court exercising jurisdiction in any place, whether in Australia or elsewhere; and
>
> (b) the conviction occurred within the period of 10 years before the commencement of the proceedings under this Act in which that finding may be made."

31 By s 190(2), "[i]n any matter to which subsection (1) relates the [Tribunal]

> (a) is not required to inquire as to the propriety of the conviction; and
>
> (b) may inform itself as to the circumstances giving rise to the conviction from the transcripts or other records of -
>
> (i) the court which convicted the legal practitioner; or
>
> (ii) any court which dealt with the conviction on appeal,
>
> and may make such inquiries or requests as are necessary to obtain those transcripts or records".

32 In this case, the Tribunal has received a Transcript of Proceedings of the District Court of Western Australia at Perth on Friday 27 August 2004 concerning the State of Western Australia and the practitioner in which Kennedy CJDC sentenced the practitioner on 37 counts of fraud which occurred between 12 December 2000 and 14 February 2004. These counts of fraud are those set out in the particulars to the reference which are admitted by the practitioner. The Transcript of Proceedings, and the

factual matters referred to that are incorporated by reference into these reasons, are attached as Annexure B.

Findings by the Tribunal concerning unsatisfactory conduct

33 The Tribunal has informed itself from the Transcript of Proceedings in the District Court.

34 The Tribunal finds that the practitioner is guilty of unsatisfactory conduct in the manner alleged in the reference and the 37 particulars provided in the reference.

35 Each of the particulars in the reference is based upon the practitioner's conviction in the District Court on 37 counts of fraud, which occurred between 12 December 2000 and 13 February 2004, and the further count of fraud on 13 February 2004 alleged in particular 37, which correlates with count (37) in the Indictment brought by the State of Western Australia against the practitioner in respect of which the practitioner entered his plea of guilty in the District Court. The Indictment is attached to these reasons as Annexure C.

36 It was for this illegal conduct that the Chief Judge of the District Court on 27 August 2004, having considered all factors relevant in the sentencing process, sentenced the practitioner to a term of imprisonment in these terms:

> "You are sentenced in fact to three years on each count. Counts 1 and 2 are cumulative on each other and each other count is concurrent with them. The total then is six years. You are eligible for parole. I do not set the parole term, but it is my obligation to advise you that at the end of four years you may apply for parole and it's a matter for the Parole Board to determine whether that parole is granted, and the sentence if backdated to the day you went into prison."

Tribunal's view of the necessary disciplinary outcome

37 As noted earlier, by s 185(2) of the Act, on making a finding in respect of the legal practitioner that the legal practitioner is guilty of unsatisfactory conduct, the Tribunal may either make and transmit a report on the findings to the Supreme Court (full bench) or deal with the legal practitioner as specified in s 187 of the Act.

38 Under s 187 of the Act, the Tribunal has a relatively limited array of disciplinary powers. As noted earlier, the Tribunal cannot suspend a

practitioner for a period exceeding two years and may not strike a practitioner's name from the Roll of Practitioners. In the event that the Tribunal considers that a longer suspension than two years, or striking off is required, it must make and transmit a report to that effect to the Supreme Court (full bench) to permit the Court “to punish" the practitioner (as the heading to s 194 suggests it does).

39 In this case, the Tribunal has no hesitation in deciding that it must make and transmit a report to the Supreme Court (full bench) to the effect that the practitioner should have his name struck off the Roll of Practitioners.

40 The Complaints Committee, through counsel, submits that this is the only proper outcome. In its statement of the issues, facts and contentions concerning the reference, the Complaints Committee state the issue in these terms: "[I]s the practitioner a fit and proper person to remain on the roll of practitioners of the Supreme Court of the State of Western Australia?". That is a fair statement of the issue.

41 The Complaints Committee contends that it is not just the fact that the practitioner has been convicted that, of itself, warrants a report to the Supreme Court (full bench). It says that "[t]he facts upon which the convictions are based are important". The facts on "the whole of the practitioner's conduct, including those facts which are additional to those facts required to prove the offences of which the practitioner has been convicted", are relevant to the findings of facts: ***Ziems v The Prothonotary of the Supreme Court of NSW*** (1957) 97 CLR 279 at 288; ***Re A Practitioner*** unreported Supreme Court of Western Australia Library No 970354 delivered 18 July 1987 at 12 - 13.

42 The Complaints Committee further contends that "[a]lthough the practitioner's conduct did not occur in the course of his professional practice, [his conduct] … demonstrates unfitness to practice as it amounts to incompatibility with:

> the personal qualities essential for the conduct of practice; and
>
> membership of a self-respecting profession."

43 See: ***New South Wales Bar Association v Cummins*** (2001) 52 NSWLR 279 at 289; ***Ziems v The Prothonotary of the Supreme Court of NSW*** (supra) at 297-299.

44 The Complaints Committee further contends that "the practitioner's conduct giving rise to his convictions is of such a personally disgraceful

character that he should not remain a member of an honourable profession": ***Re Wheare*** [1893] 2 QB 439 at 446.

45 The Complaints Committee also contends that "[i]n order to protect the public and the reputation of the profession, the consequences for the practitioner may need to be more severe than if the only object of the proceedings is one of punishment": ***Re Maraj*** (1995) 15 WAR 12 at 25.

46 The Complaints Committee ultimately contends that "[t]he practitioner is not a fit and proper person to remain a member of the profession": ***Re A Barrister and Solicitor*** (1979) 40 FLR 1 at 24-25.

47 The practitioner, through his answer and by senior counsel who appeared on his behalf both in the District Court sentencing process and in this Tribunal, acknowledges that it is inevitable that his name should be struck off the Roll of Practitioners. Before the Tribunal, Mr Birmingham QC, on behalf of the practitioner, told the Tribunal that the practitioner profoundly regrets and apologises for his conduct. He accepts that his conduct, whilst not conduct in the course of practising law, nonetheless not only has brought great shame upon him personally, but also has greatly affected the standing and reputation of the legal profession in Western Australia.

48 The Tribunal accepts the contentions made on behalf of the Complaints Committee; contentions which have been acknowledged and confirmed by the practitioner. In the view of the Tribunal, there is no alternative but for the practitioner to be struck off the Roll of Practitioners.

49 However, as noted, this Tribunal does not have the power to strike the practitioner off the Roll. The function of the Tribunal, where it considers this outcome to be appropriate, is to make and transmit its report containing its findings to the Supreme Court (full bench) to permit the Court to exercise its powers of discipline under the Act.

Conclusion

50 The Tribunal finds the practitioner guilty of unsatisfactory conduct under the Act, in the terms and particulars set out in the reference.

51 The Tribunal does not consider it appropriate for the practitioner to be dealt with in accordance with the powers of the Tribunal set out in s 187 of the Act.

52 Rather, the Tribunal considers it should make and transmit a report on the finding it has made to the Supreme Court (full bench) pursuant to s 185(2)(a) of the Act to permit the Court to consider striking the practitioner's name off the Roll of Practitioners.

53 These reasons constitute the making of the report on the finding of the Tribunal for the purpose of the Act s 185(2)(a) and they will be sent to the Chief Justice.

54 The Tribunal also considers that pending the determination of the Supreme Court (full bench) of the matter in light of the transmission of the report, there should be an order suspending the practitioner from practice.

55 There should also be orders that the practitioner should pay the Complaints Committee's costs in the sum of $1000 and that this decision may be published.

Findings and Orders

56 The Tribunal makes the following findings or orders:

1. the Tribunal finds Rohan George Skea (the practitioner) guilty of unsatisfactory conduct under the *Legal Practice Act 2003* (WA), in terms of the reference to the Tribunal dated 8 October 2004;
2. the Tribunal makes and transmits a report on the finding it has made to the Supreme Court (full bench) which, for purposes of the *Legal Practice Act 2003* (WA) s 185(2)(a) is constituted by these reasons for decision;
3. pending the determination of the Supreme Court (full bench) in relation to the report transmitted to it by the Tribunal, the practitioner is suspended from practice;
4. the practitioner shall pay to the Complaints Committee its costs of and incidental to the hearing and determination of the proceedings in the Tribunal, which are fixed in the sum of $1000;
5. the decision and the reasons of the Tribunal may be published.

I certify that this and the preceding [56] paragraphs comprise the reasons for decision of the State Administrative Tribunal.

JUSTICE M L BARKER, PRESIDENT

Annexure A

7

1. THE LEGAL PRACTITIONERS
DISCIPLINARY TRIBUNAL

No. R27 of 2004

In the matter of the Legal Practitioners
Act 1893 and the Legal Practice Act 2003

AND

In the matter of a Reference by the Legal
Practitioners Complaints Committee concerning

MR ROHAN GEORGE SKEA

a practitioner.

REFERENCE TO THE TRIBUNAL

Date of Filing: 8 October 2004

Filed on behalf of the Legal Practitioners Complaints Committee

Prepared by: Law Complaints Officer

Address for Service:
2nd Floor
Colonial Building
55 St Georges Terrace
PERTH WA 6000

Tel: 9461 2299
Ref: dh\mj\12304a.ref

Name of Practitioner: Mr R G Skea
Address of Practitioner: Hakea Prison
Nicholson Road
CANNINGVALE WA 6155

WESTERN AUSTRALIA
LEGAL PRACTITIONERS DISCIPLINARY TRIBUNAL
SEAL

2

REFERENCE

THAT the practitioner ROHAN GEORGE SKEA was:

a) guilty of illegal conduct between on or about 12 December 2000 and on or about 24 December 2003; and

b) guilty of unsatisfactory conduct by illegal conduct on or about 13 February 2004.

PARTICULARS

1. On 12 December 2000 at Perth ROHAN GEORGE SKEA, with intent to defraud, by deceit or fraudulent means gained a benefit, namely obtained $356,400.00 in money, for SHOWTRAX INTERNATIONAL PTY LTD.

2. AND FURTHER THAT on 21 March 2001 at Perth ROHAN GEORGE SKEA, with intent to defraud, by deceit or fraudulent means gained a benefit, namely obtained $162,250.00 in money, for SHOWTRAX INTERNATIONAL PTY LTD.

3. AND FURTHER THAT on 7 June 2002 at Perth ROHAN GEORGE SKEA, with intent to defraud, by deceit or fraudulent means gained a benefit, namely obtained $302,500.00 in money, for SHOWTRAX INTERNATIONAL PTY LTD.

4. AND FURTHER THAT on 31 July 2002 at Perth ROHAN GEORGE SKEA, with intent to defraud, by deceit or fraudulent means gained a benefit, namely obtained $247,500.00 in money, for SHOWTRAX INTERNATIONAL PTY LTD.

3

5. AND FURTHER THAT on 30 August 2002 at Perth ROHAN GEORGE SKEA, with intent to defraud, by deceit or fraudulent means gained a benefit, namely obtained $44,000.00 in money, for SHOWTRAX INTERNATIONAL PTY LTD.

6. AND FURTHER THAT on 25 September 2002 at Perth ROHAN GEORGE SKEA, with intent to defraud, by deceit or fraudulent means gained a benefit, namely obtained $151,800.00 in money, for SHOWTRAX INTERNATIONAL PTY LTD.

7. AND FURTHER THAT on 14 October 2002 at Perth ROHAN GEORGE SKEA, with intent to defraud, by deceit or fraudulent means gained a benefit, namely obtained $382,800.00 in money, for SHOWTRAX INTERNATIONAL PTY LTD.

8. AND FURTHER THAT on 28 October 2002 at Perth ROHAN GEORGE SKEA, with intent to defraud, by deceit or fraudulent means gained a benefit, namely obtained $181,500.00 in money, for SHOWTRAX INTERNATIONAL PTY LTD.

9. AND FURTHER THAT on 18 November 2002 at Perth ROHAN GEORGE SKEA, with intent to defraud, by deceit or fraudulent means gained a benefit, namely obtained $412,500.00 in money, for SHOWTRAX INTERNATIONAL PTY LTD.

10. AND FURTHER THAT on 28 November 2002 at Perth ROHAN GEORGE SKEA, with intent to defraud, by deceit or fraudulent means gained a benefit, namely obtained $412,500.00 in money, for SHOWTRAX INTERNATIONAL PTY LTD.

4

11. AND FURTHER THAT on 20 December 2002 at Perth ROHAN GEORGE SKEA, with intent to defraud, by deceit or fraudulent means gained a benefit, namely obtained $214,340.00 in money, for SHOWTRAX INTERNATIONAL PTY LTD.

12. AND FURTHER THAT on 14 January 2003 at Perth ROHAN GEORGE SKEA, with intent to defraud, by deceit or fraudulent means gained a benefit, namely obtained $231,000.00 in money, for SHOWTRAX INTERNATIONAL PTY LTD.

13. AND FURTHER THAT on 31 January 2003 at Perth ROHAN GEORGE SKEA, with intent to defraud, by deceit or fraudulent means gained a benefit, namely obtained $588,500.00 in money, for SHOWTRAX INTERNATIONAL PTY LTD.

14. AND FURTHER THAT on 4 March 2003 at Perth ROHAN GEORGE SKEA, with intent to defraud, by deceit or fraudulent means gained a benefit, namely obtained $203,500.00 in money, for SHOWTRAX INTERNATIONAL PTY LTD.

15. AND FURTHER THAT on 6 March 2003 at Perth ROHAN GEORGE SKEA, with intent to defraud, by deceit or fraudulent means gained a benefit, namely obtained $286,819.50 in money, for SHOWTRAX INTERNATIONAL PTY LTD.

16. AND FURTHER THAT on 21 March 2003 at Perth ROHAN GEORGE SKEA, with intent to defraud, by deceit or fraudulent means gained a benefit, namely obtained $260,425.00 in money, for SHOWTRAX INTERNATIONAL PTY LTD.

17. AND FURTHER THAT on 11 April 2003 at Perth ROHAN GEORGE SKEA, with intent to defraud, by deceit or fraudulent means gained a benefit, namely obtained $509,850.00 in money, for SHOWTRAX INTERNATIONAL PTY LTD.

18. AND FURTHER THAT on 6 May 2003 at Perth ROHAN GEORGE SKEA, with intent to defraud, by deceit or fraudulent means gained a benefit, namely obtained $231,000.00 in money, for SHOWTRAX INTERNATIONAL PTY LTD.

19. AND FURTHER THAT on 14 May 2003 at Perth ROHAN GEORGE SKEA, with intent to defraud, by deceit or fraudulent means gained a benefit, namely obtained $423,500.00 in money, for SHOWTRAX INTERNATIONAL PTY LTD.

20. AND FURTHER THAT on 12 June 2003 at Perth ROHAN GEORGE SKEA, with intent to defraud, by deceit or fraudulent means gained a benefit, namely obtained $246,125.00 in money, for SHOWTRAX INTERNATIONAL PTY LTD.

21. AND FURTHER THAT on 12 June 2003 at Perth ROHAN GEORGE SKEA, with intent to defraud, by deceit or fraudulent means gained a benefit, namely obtained $248,325.00 in money, for SHOWTRAX INTERNATIONAL PTY LTD.

22. AND FURTHER THAT on 12 June 2003 at Perth ROHAN GEORGE SKEA, with intent to defraud, by deceit or fraudulent means gained a benefit, namely obtained $247,005.00 in money, for SHOWTRAX INTERNATIONAL PTY LTD.

23. AND FURTHER THAT on 4 July 2003 at Perth ROHAN GEORGE SKEA, with intent to defraud, by deceit or fraudulent means gained a benefit, namely obtained $248,325.00 in money, for SHOWTRAX INTERNATIONAL PTY LTD.

24. AND FURTHER THAT on 15 August 2003 at Perth ROHAN GEORGE SKEA, with intent to defraud, by deceit or fraudulent means gained a benefit, namely obtained $195,525.00 in money, for SHOWTRAX INTERNATIONAL PTY LTD.

25. AND FURTHER THAT on 27 August 2003 at Perth ROHAN GEORGE SKEA, with intent to defraud, by deceit or fraudulent means gained a benefit, namely obtained $248,325.00 in money, for SHOWTRAX INTERNATIONAL PTY LTD.

26. AND FURTHER THAT on 9 September 2003 at Perth ROHAN GEORGE SKEA, with intent to defraud, by deceit or fraudulent means gained a benefit, namely obtained $248,600.00 in money, for SHOWTRAX INTERNATIONAL PTY LTD.

27. AND FURTHER THAT on 9 September 2003 at Perth ROHAN GEORGE SKEA, with intent to defraud, by deceit or fraudulent means gained a benefit, namely obtained $165,000.00 in money, for SHOWTRAX INTERNATIONAL PTY LTD.

28. AND FURTHER THAT on 9 September 2003 at Perth ROHAN GEORGE SKEA, with intent to defraud, by deceit or fraudulent means gained a benefit, namely obtained $302,500.00 in money, for SHOWTRAX INTERNATIONAL PTY LTD.

29. AND FURTHER THAT on 10 September 2003 at Perth ROHAN GEORGE SKEA, with intent to defraud, by deceit or fraudulent means gained a benefit, namely obtained $547,800.00 in money, for SHOWTRAX INTERNATIONAL PTY LTD.

30. AND FURTHER THAT on 27 October 2003 at Perth ROHAN GEORGE SKEA, with intent to defraud, by deceit or fraudulent means gained a benefit, namely obtained $825,000.00 in money, for SHOWTRAX INTERNATIONAL PTY LTD.

31. AND FURTHER THAT on 5 November 2003 at Perth ROHAN GEORGE SKEA, with intent to defraud, by deceit or fraudulent means gained a benefit, namely obtained $1,025,200.00 in money, for SHOWTRAX INTERNATIONAL PTY LTD.

32. AND FURTHER THAT on 16 December 2003 at Perth ROHAN GEORGE SKEA, with intent to defraud, by deceit or fraudulent means gained a benefit, namely obtained $1,265,000.00 in money, for SHOWTRAX INTERNATIONAL PTY LTD.

33. AND FURTHER THAT on 16 December 2003 at Perth ROHAN GEORGE SKEA, with intent to defraud, by deceit or fraudulent means gained a benefit, namely obtained $275,000.00 in money, for SHOWTRAX INTERNATIONAL PTY LTD.

34. AND FURTHER THAT on 16 December 2003 at Perth ROHAN GEORGE SKEA, with intent to defraud, by deceit or fraudulent means gained a benefit, namely obtained $352,000.00 in money, for SHOWTRAX INTERNATIONAL PTY LTD.

. AND FURTHER THAT on 24 December 2003 at Perth ROHAN GEORGE SKEA, with intent to defraud, by deceit or fraudulent means gained a benefit, namely obtained $891,000.00 in money, for SHOWTRAX INTERNATIONAL PTY LTD.

36. AND FURTHER THAT on 24 December 2003 at Perth ROHAN GEORGE SKEA, with intent to defraud, by deceit or fraudulent means gained a benefit, namely obtained $220,000.00 in money, for SHOWTRAX INTERNATIONAL PTY LTD.

37. AND FURTHER THAT on 13 February 2004 at Perth ROHAN GEORGE SKEA, with intent to defraud, by deceit or fraudulent means gained a benefit, namely obtained $566,500.00 in money, for SHOWTRAX INTERNATIONAL PTY LTD.

Dated the 7th day of October 2004

Law Complaints Officer

For Legal Practitioners
Complaints Committee

Annexure B

0008

THE DISTRICT COURT OF
WESTERN AUSTRALIA

1203 of 2004

STATE OF WESTERN AUSTRALIA

and

ROHAN GEORGE SKEA

(Sentence)

KENNEDY CJDC

TRANSCRIPT OF PROCEEDINGS

AT PERTH ON FRIDAY, 27 AUGUST 2004, AT 9.58 AM

Continued from 23/8/04

MR S.F. RAFFERTY represented the State of Western Australia.

MR R.E. BIRMINGHAM QC appeared for the accused.

27/8/04
(s&c)

271

0009

5/2/hd

1203/04

THE CLERK OF ARRAIGNS: Put up Rohan George Skea. Rohan George Skea, is that you name?

THE ACCUSED: Yes.

KENNEDY CJDC: You can remain seated, Mr Skea. On 22 July 2004 you pleaded guilty before me to 37 counts of fraud which occurred between 12 December 2000 and 14 February 2004, a period of about three years. On 22 July 2004 I heard the facts, part of the plea and seven character witnesses. The matter was then adjourned to enable the prosecution to consider obtaining psychiatric evidence because it had only recently been served with your psychiatric evidence. You were released on bail to enable you to attend a psychiatric appointment. We reconvened. Further evidence was taken and you were then remanded in custody. Further evidence was subsequently taken and you were remanded in custody to today for sentence.

In mid 2000 you purchased a shelf company named Showtrax International Pty Ltd. This company does not appear to have been used for any legitimate purpose. You appointed one fictitious director and then you appointed a second director without that person's knowledge or consent. You do not appear as a director for this company. This enabled you to hold out to the world that the company was an independent company with third party directors, but in reality you had control of all of the financial matters of the company. Any money that went to Showtrax International Pty Ltd in fact went directly to you.

Showtrax International Pty Ltd was set up to appear to trade as WA South Coast Farm Machinery Sales. On the face of it you had no connection with either of these entities. Each offence was very similar. You created a letterhead for WA South Coast Farm Machinery Sales using a different address to any of the other addresses used by you and you then also created a false tax invoice number to facilitate the transaction. The false tax invoice number was displayed prominently on the letterhead and you never used the same false tax invoice number in any two transactions.

You would then use this false invoice to confirm the purchase by you and the sale by the business to you of any piece of farming, vineyard, computer or excavation equipment. The item allegedly being purchased never existed. Through a finance broker you presented the false tax invoice to a finance company in support of an application for a loan by way of hire-purchase agreement. The finance broker would present the application to the finance company using information prepared by you. Approval for finance was granted to you based on the representations by you, including that you were a well respected legal practitioner. You operated a private legal practice in Perth.

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Through your own private company, Shadforth House Pty Ltd, you own various properties in the South-West and on those properties you had various businesses, including two vineyards, two licensed restaurants, a tourist lodge and motel, a health resort and art gallery and an earthmoving business. You further said that your legal practice and earthmoving business were highly profitable. Most of this information was true, although you never had an earthmoving business.

While the finance companies approved each of the hire-purchase applications, the purchase moneys were electronically transferred to the Westpac account in the name of Showtrax International Pty Ltd. Between December 2000 and February 2004 you used this means to obtain a total of $13,719,915 from six finance companies on 37 separate and distinct occasions.

This matter came to the attention of the police as a result of a complaint by one of the finance companies. In or about August 2000 CBFC Finance was asked by your broker to finance three pieces of earthmoving equipment. That application was supported by a fax from you which gave information about your non-existent earthmoving business and made reference to three long-term contracts which your business was undertaking. Copies of the contracts were enclosed. However, you said that because of the stringent confidentiality obligations all of the details could not be disclosed and the names of the contracting parties were blocked out.

CBFC became concerned about it because the profit reported by you appeared to be totally unrealistic. They also at the same time discovered that you had entered into extensive hire-purchase arrangements with their Sydney branch without disclosing that to the Perth branch. As a result they decided to exercise their rights under the hire-purchase agreement to inspect the equipment.

From 20 February until 22 March you endeavoured to prevent them from discovering the truth and told them that you would forward to them a list of equipment and its location. You also told them that you were refinancing from a private investor and would pay them out. Eventually CBFC went to the Supreme Court and obtained orders in late March and early April of 2004 freezing your assets. Initially the court appointed receivers to the assets, but has now appointed liquidators and the provisional liquidators have reported to the creditors. The report indicates that CBFC was not the only financier that had been defrauded and that is of course borne out by the matters that you have now pleaded guilty to.

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It was when any answer in the Supreme Court would require you to file an affidavit you were not prepared to file a false affidavit. You then went to the police and were interviewed by the police on 29 March and 19 May 2004. During those lengthy interviews you were extremely cooperative with the police. In the circumstances you could not have been able to give greater cooperation than you did. It doesn't follow from that that I accept every word that you said in those videos. That is to say that I accept your slant on the facts but I accept that you cooperated fully and that you apparently believed in the truth of everything you said on the video. You admitted these offences and the matters that have been put before the court by the Director of Public Prosecution and you said that you deliberately obtained finance in this way because it was a convenient way to have short term funding facilities available.

You said that previous circumstances which were traumatic on your family had led to these matters. You said that you had every honest intention to pay back the finance companies and had it well in hand and no-one would have lost any money had you been allowed to continue and it's those things that I really don't agree with. You further told the police that if you had not raised false hire-purchase loans the businesses would not be where they are today and that you never saw it as a personal advantage. You saw it as a way for the company to grow and to protect your employees and obviously I don't agree with that way of thinking. You were subsequently interviewed on 19 May 2004 and again you cooperated and said that you have ceased practising law on the previous Friday and that you would shortly be bankrupt. It is unlikely that any of the finance companies will be able to recover any of the losses since there are very few of any assets available to meet the claims of unsecured creditors.

You are entitled to full credit for your fast-track plea of guilty. It is quite true, as the prosecution say, that the evidence against you is very strong indeed but my experience is that that has never stopped anyone, particularly in commercial frauds, from putting the state, the police, the taxpayers to considerable expense and the courts to considerable delays and there is no doubt that you could have delayed this matter for about three years. Even then they may not have known the full details of what you had done. I think at this point that I should stress that at no time did you take any money from your trust account or from any client of your legal practice and while your legal knowledge enabled you to do what you did successfully over a period of time it is not the case that any of this was done in a solicitor-client relationship. None of this money will be able to be repaid.

So far as the receivers and liquidators can determine Showtrax Pty Ltd did not purchase and sell equipment. Rather it obtained funds for use by you to fund your car, art, horse, winery and boating interests and it may well be to assist in the development of various properties but generally funding your lifestyle expenses and what must be described as luxury businesses. The prosecution submit that there have been individual victims in relation to this matter. That there were a number of contractors and sub-contractors who have done work for you and there is an outstanding amount in excess of $3 million for small business people which will not be able to be paid.

In addition, they refer to the fact that there are a number of bank employees who have dealt with you over the years who have suffered as a result of what you have done and received adverse performance appraisals and it may be, although there is no evidence, but it may be that some of them have had their careers affected by the fact that they misjudged the situation and gave you these substantial loans. You are a 50-year-old legal practitioner. According to all of the information I have you were an outstanding student and a brilliant commercial lawyer. You will undoubtedly be struck off despite the fact that this does not relate to your trust account and you will never be allowed to work as a lawyer again. This in itself is a substantial punishment, a life sentence. The prosecutor has said that in effect you brought it on yourself and you did but that doesn't detract from the fact that it's a punishment.

You have also brought upon yourself considerable shame and disgrace. I accept without hesitation that you always intended to pay this money back. There was no question of you being able to get away with not paying the money back but you continued to borrow money to assist you to repay the previous money and also to continue to develop various businesses and to live at the standard to which you had become accustomed. Your legal training would have taught you that this money had to be repaid. I accept that you are not a person who took money in the belief that you will be able to keep it permanently and would not have to account. You always knew that and you always intended to account.

Even now I think you have that state of belief that had the receivers not been put in, you would have been able to trade your way out of this. I do not accept that for one minute. What eventually happened was always going to happen if you continued this scheme. You may have got away with it initially, but as you went on it would have been impossible for you to repay. You were not generating anything like sufficient income and you were investing in a whole range of luxury businesses.

I don't accept that it was the case that the money was going to be able to be repaid as much as I accept that you did intend to repay it. I accept that you convinced yourself of it and I'm confident that you at all times thought you'd be able to repay this money and you intended to repay it. However, that's of little consolation to the complainants.

In the submissions made to me by your legal advisers in writing, I have a family background and also under the heading of Personal Matters are matters that indicate that you are an immensely talented, gifted sportsman and have achieved great success. You are also a brilliant commercial lawyer and you are a very driven man. This is really your second social and financial collapse, although it is your first collapse that has ever resulted in criminal charges. To borrow a phrase from I think Mr Birmingham, you have a conviction that you are bulletproof and nothing convinces you that that's not so, although no doubt you have some conviction of that now.

Although you may have been the envy of a number of people, the reality is that the information I have on your family background and the other personal matters is an indication of great sadness in the past in a dysfunctional, competitive family and of troubles to come. According to the information I have in the written material, by the end of 1995, and I quote, "You were effectively broke," which seems to be inconsistent with the other matters that I've been told about your great wealth.

It was in January 1996 that you started your final legal practice and in February 96 you were attacked and bashed in the driveway of your home and your life was threatened. This most unfortunate incident appears to have started with what you considered to be a perfectly legitimate business dealing with one Wilhelm. Unbeknown to you he dealt in drugs and when he owed you money and you wanted it back, he appears to have sold that debt to a group of criminals who bashed you in your own driveway and threatened to kill you unless you didn't pursue the debt.

In relation to that - I think I have to say this in view of all that's been said in court and perhaps in the newspapers - you behaved very courageously and you gave the very best evidence you could and as a result two people were gaoled. I accept that these events had a devastating impact on you and your family and caused considerable fear and anxiety. I'm told that after the trial in 2000 when it was suggested that you were somehow involved in the drug scene, there was a devastating impact on your social and business life. I have a lot of difficulty with that, but that's the information that I have. In any event, it was after that that these offences occurred.

I have a report from three psychiatrists, Drs Skerritt and Burvill for you and Dr Srna for the state. Given that this is a sentencing and not of a nature where special orders are sought or where you are claiming some sort of defence of diminished responsibility, it is not necessary for me to choose between these three opinions and give you a label and put more labels on you. It is sufficient to say that I accept that your depression was long standing and in the several years before these events started there were a number of extreme stresses and personal losses and to paraphrase Dr Burvill, these combined with your lifelong determination not to be beaten all contributed in various ways to the fraudulent activity and your lack of judgment in undertaking those activities, which were never part of your former professional or personal life.

Apart from the people called to give evidence for you, I have a number of written references which attest to your many kindnesses and your many fine qualities. Having said all that, the fact remains that these offences were extremely serious, involving a great deal of money over a long period of time and with a good deal of falsity, perpetrated by somebody with great commercial experience.

The overall sentence for the totality of what you have done would have been 12 years. From that I have deducted 25 per cent for your fast-track plea and cooperation, giving eight years and that is the sentence you would have received but for the parliament passing the Sentencing Act reforms. Those reforms require me to reduce that term by one-third resulting in a sentence of six years.

You are sentenced in fact to three years on each count. Counts 1 and 2 are cumulative on each other and each other count is concurrent with them. The total then is six years. You are eligible for parole. I do not set the parole term, but it is my obligation to advise you that at the end of four years you may apply for parole and it's a matter for the Parole Board to determine whether that parole is granted, and the sentence if backdated to the day you went into prison. . Please stand down no.

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RAFFERTY, MR: Your Honour, can I just raise one issue? It is my understanding from Ms Barbagallo that compensation orders had been sought. I was just wondering whether your Honour - - -

KENNEDY CJDC: Yes, I'll make compensation orders.

RAFFERTY, MR: I think there were five compensation orders sought.

KENNEDY CJDC: In relation to each one of the counts?

RAFFERTY, MR: In relation to each of the complainants. Your Honour makes those orders?

KENNEDY CJDC: Yes.

RAFFERTY, MR: Thank you.

KENNEDY CJDC: It makes no difference.

BIRMINGHAM, MR: He is a bankrupt.

KENNEDY CJDC: Yes, and it doesn't add to any gaol sentence.

RAFFERTY, MR: No.

KENNEDY CJDC: All right. The compensation orders are made. Please stand down, Mr Skea.

AT 10.14 AM THE MATTER WAS ADJOURNED ACCORDINGLY

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Annexure C

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Form 3 (r.20).

WESTERN AUSTRALIA *The Criminal Code* *Criminal Procedure Rules 2000* **INDICTMENT**	District Court of Western Australia at PERTH Number: 1203 of 2004

Parties	**THE STATE OF WESTERN AUSTRALIA** *against* **ROHAN GEORGE SKEA**
Charges	TROY DENISE SWEENEY, being duly appointed to sign and present indictments, informs the Court that —
Code Sec 409(1)(c)	(1) On 12 December 2000 at Perth ROHAN GEORGE SKEA, with intent to defraud, by deceit or fraudulent means gained a benefit, namely obtained $356,400.00 in money, for SHOWTRAX INTERNATIONAL PTY LTD.
Code Sec 409(1)(c)	(2) AND FURTHER THAT on 21 March 2001 at Perth ROHAN GEORGE SKEA, with intent to defraud, by deceit or fraudulent means gained a benefit, namely obtained $162,250.00 in money, for SHOWTRAX INTERNATIONAL PTY LTD.
Code Sec 409(1)(c)	(3) AND FURTHER THAT on 7 June 2002 at Perth ROHAN GEORGE SKEA, with intent to defraud, by deceit or fraudulent means gained a benefit, namely obtained $302,500.00 in money, for SHOWTRAX INTERNATIONAL PTY LTD.
Code Sec 409(1)(c)	(4) AND FURTHER THAT on 31 July 2002 at Perth ROHAN GEORGE SKEA, with intent to defraud, by deceit or fraudulent means gained a benefit, namely obtained $247,500.00 in money, for SHOWTRAX INTERNATIONAL PTY LTD.
Code Sec 409(1)(c)	(5) AND FURTHER THAT on 30 August 2002 at Perth ROHAN GEORGE SKEA, with intent to defraud, by deceit or fraudulent means gained a benefit, namely obtained $44,000.00 in money, for SHOWTRAX INTERNATIONAL PTY LTD.
Code Sec 409(1)(c)	(6) AND FURTHER THAT on 25 September 2002 at Perth ROHAN GEORGE SKEA, with intent to defraud, by deceit or fraudulent means gained a benefit, namely obtained $151,800.00 in money, for SHOWTRAX INTERNATIONAL PTY LTD.
Code Sec 409(1)(c)	(7) AND FURTHER THAT on 14 October 2002 at Perth ROHAN GEORGE SKEA, with intent to defraud, by deceit or fraudulent means gained a benefit, namely obtained $382,800.00 in money, for SHOWTRAX INTERNATIONAL PTY LTD.

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Code Sec 409(1)(c)	(8)	AND FURTHER THAT on 28 October 2002 at Perth ROHAN GEORGE SKEA, with intent to defraud, by deceit or fraudulent means gained a benefit, namely obtained $181,500.00 in money, for SHOWTRAX INTERNATIONAL PTY LTD.
Code Sec 409(1)(c)	(9)	AND FURTHER THAT on 18 November 2002 at Perth ROHAN GEORGE SKEA, with intent to defraud, by deceit or fraudulent means gained a benefit, namely obtained $412,500.00 in money, for SHOWTRAX INTERNATIONAL PTY LTD.
Code Sec 409(1)(c)	(10)	AND FURTHER THAT on 28 November 2002 at Perth ROHAN GEORGE SKEA, with intent to defraud, by deceit or fraudulent means gained a benefit, namely obtained $412,500.00 in money, for SHOWTRAX INTERNATIONAL PTY LTD.
Code Sec 409(1)(c)	(11)	AND FURTHER THAT on 20 December 2002 at Perth ROHAN GEORGE SKEA, with intent to defraud, by deceit or fraudulent means gained a benefit, namely obtained $214,340.00 in money, for SHOWTRAX INTERNATIONAL PTY LTD.
Code Sec 409(1)(c)	(12)	AND FURTHER THAT on 14 January 2003 at Perth ROHAN GEORGE SKEA, with intent to defraud, by deceit or fraudulent means gained a benefit, namely obtained $231,000.00 in money, for SHOWTRAX INTERNATIONAL PTY LTD.
Code Sec 409(1)(c)	(13)	AND FURTHER THAT on 31 January 2003 at Perth ROHAN GEORGE SKEA, with intent to defraud, by deceit or fraudulent means gained a benefit, namely obtained $588,500.00 in money, for SHOWTRAX INTERNATIONAL PTY LTD.
Code Sec 409(1)(c)	(14)	AND FURTHER THAT on 4 March 2003 at Perth ROHAN GEORGE SKEA, with intent to defraud, by deceit or fraudulent means gained a benefit, namely obtained $203,500.00 in money, for SHOWTRAX INTERNATIONAL PTY LTD.
Code Sec 409(1)(c)	(15)	AND FURTHER THAT on 6 March 2003 at Perth ROHAN GEORGE SKEA, with intent to defraud, by deceit or fraudulent means gained a benefit, namely obtained $286,819.50 in money, for SHOWTRAX INTERNATIONAL PTY LTD.
Code Sec 409(1)(c)	(16)	AND FURTHER THAT on 21 March 2003 at Perth ROHAN GEORGE SKEA, with intent to defraud, by deceit or fraudulent means gained a benefit, namely obtained $260,425.00 in money, for SHOWTRAX INTERNATIONAL PTY LTD.
Code Sec 409(1)(c)	(17)	AND FURTHER THAT on 11 April 2003 at Perth ROHAN GEORGE SKEA, with intent to defraud, by deceit or fraudulent means gained a benefit, namely obtained $509,850.00 in money, for SHOWTRAX INTERNATIONAL PTY LTD.
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Code Sec 409(1)(c)	(18)	AND FURTHER THAT on 6 May 2003 at Perth ROHAN GEORGE SKEA, with intent to defraud, by deceit or fraudulent means gained a benefit, namely obtained $231,000.00 in money, for SHOWTRAX INTERNATIONAL PTY LTD.
Code Sec 409(1)(c)	(19)	AND FURTHER THAT on 14 May 2003 at Perth ROHAN GEORGE SKEA, with intent to defraud, by deceit or fraudulent means gained a benefit, namely obtained $423,500.00 in money, for SHOWTRAX INTERNATIONAL PTY LTD.
Code Sec 409(1)(c)	(20)	AND FURTHER THAT on 12 June 2003 at Perth ROHAN GEORGE SKEA, with intent to defraud, by deceit or fraudulent means gained a benefit, namely obtained $246,125.00 in money, for SHOWTRAX INTERNATIONAL PTY LTD.
Code Sec 409(1)(c)	(21)	AND FURTHER THAT on 12 June 2003 at Perth ROHAN GEORGE SKEA, with intent to defraud, by deceit or fraudulent means gained a benefit, namely obtained $248,325.00 in money, for SHOWTRAX INTERNATIONAL PTY LTD.
Code Sec 409(1)(c)	(22)	AND FURTHER THAT on 12 June 2003 at Perth ROHAN GEORGE SKEA, with intent to defraud, by deceit or fraudulent means gained a benefit, namely obtained $247,005.00 in money, for SHOWTRAX INTERNATIONAL PTY LTD.
Code Sec 409(1)(c)	(23)	AND FURTHER THAT on 4 July 2003 at Perth ROHAN GEORGE SKEA, with intent to defraud, by deceit or fraudulent means gained a benefit, namely obtained $248,325.00 in money, for SHOWTRAX INTERNATIONAL PTY LTD.
Code Sec 409(1)(c)	(24)	AND FURTHER THAT on 15 August 2003 at Perth ROHAN GEORGE SKEA, with intent to defraud, by deceit or fraudulent means gained a benefit, namely obtained $195,525.00 in money, for SHOWTRAX INTERNATIONAL PTY LTD.
Code Sec 409(1)(c)	(25)	AND FURTHER THAT on 27 August 2003 at Perth ROHAN GEORGE SKEA, with intent to defraud, by deceit or fraudulent means gained a benefit, namely obtained $248,325.00 in money, for SHOWTRAX INTERNATIONAL PTY LTD.
Code Sec 409(1)(c)	(26)	AND FURTHER THAT on 9 September 2003 at Perth ROHAN GEORGE SKEA, with intent to defraud, by deceit or fraudulent means gained a benefit, namely obtained $248,600.00 in money, for SHOWTRAX INTERNATIONAL PTY LTD.
Code Sec 409(1)(c)	(27)	AND FURTHER THAT on 9 September 2003 at Perth ROHAN GEORGE SKEA, with intent to defraud, by deceit or fraudulent means gained a benefit, namely obtained $165,000.00 in money, for SHOWTRAX INTERNATIONAL PTY LTD.

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Code Sec 409(1)(c)	(28)	AND FURTHER THAT on 9 September 2003 at Perth ROHAN GEORGE SKEA, with intent to defraud, by deceit or fraudulent means gained a benefit, namely obtained $302,500.00 in money, for SHOWTRAX INTERNATIONAL PTY LTD.
Code Sec 409(1)(c)	(29)	AND FURTHER THAT on 10 September 2003 at Perth ROHAN GEORGE SKEA, with intent to defraud, by deceit or fraudulent means gained a benefit, namely obtained $547,800.00 in money, for SHOWTRAX INTERNATIONAL PTY LTD.
Code Sec 409(1)(c)	(30)	AND FURTHER THAT on 27 October 2003 at Perth ROHAN GEORGE SKEA, with intent to defraud, by deceit or fraudulent means gained a benefit, namely obtained $825,000.00 in money, for SHOWTRAX INTERNATIONAL PTY LTD.
Code Sec 409(1)(c)	(31)	AND FURTHER THAT on 5 November 2003 at Perth ROHAN GEORGE SKEA, with intent to defraud, by deceit or fraudulent means gained a benefit, namely obtained $1,025,200.00 in money, for SHOWTRAX INTERNATIONAL PTY LTD.
Code Sec 409(1)(c)	(32)	AND FURTHER THAT on 16 December 2003 at Perth ROHAN GEORGE SKEA, with intent to defraud, by deceit or fraudulent means gained a benefit, namely obtained $1,265,000.00 in money, for SHOWTRAX INTERNATIONAL PTY LTD.
Code Sec 409(1)(c)	(33)	AND FURTHER THAT on 16 December 2003 at Perth ROHAN GEORGE SKEA, with intent to defraud, by deceit or fraudulent means gained a benefit, namely obtained $275,000.00 in money, for SHOWTRAX INTERNATIONAL PTY LTD.
Code Sec 409(1)(c)	(34)	AND FURTHER THAT on 16 December 2003 at Perth ROHAN GEORGE SKEA, with intent to defraud, by deceit or fraudulent means gained a benefit, namely obtained $352,000.00 in money, for SHOWTRAX INTERNATIONAL PTY LTD.
Code Sec 409(1)(c)	(35)	AND FURTHER THAT on 24 December 2003 at Perth ROHAN GEORGE SKEA, with intent to defraud, by deceit or fraudulent means gained a benefit, namely obtained $891,000.00 in money, for SHOWTRAX INTERNATIONAL PTY LTD.
Code Sec 409(1)(c)	(36)	AND FURTHER THAT on 24 December 2003 at Perth ROHAN GEORGE SKEA, with intent to defraud, by deceit or fraudulent means gained a benefit, namely obtained $220,000.00 in money, for SHOWTRAX INTERNATIONAL PTY LTD.

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Code Sec 409(1)(c)	(37) AND FURTHER THAT on 13 February 2004 at Perth ROHAN GEORGE SKEA, with intent to defraud, by deceit or fraudulent means gained a benefit, namely obtained $566,500.00 in money, for SHOWTRAX INTERNATIONAL PTY LTD.

Signature of prosecutor TM	Troy Sweeney Senior State Prosecutor	**Date:** 13 July 2004
DPP References	DIRECTOR OF PUBLIC PROSECUTIONS 17th Floor 141 St Georges Terrace PERTH WA 6000	**DPP No:** 04/1630 P/Indictments/2004/S-T/SKEA, Rohan George 041630

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FORM 20

WESTERN AUSTRALIA *The Criminal Code* *Criminal Procedure Rules 2000*, r 78 **CERTIFICATE OF FINAL OUTCOME OF TRIAL OR PROCEEDING**	District Court of Western Australia At PERTH Number: 1203/04
Parties [Include names of any co-accused(s)]	THE STATE OF WESTERN AUSTRALIA -and- ROHAN GEORGE SKEA
Accused or offender [One per certificate]	Family name: SKEA Given name(s): Rohan George Date of birth: 2 January 1954
Trial or other proceeding	Date(s): 22 July 2004 Presiding judge: KENNEDY CJDC **Guilty plea**
Charge [Use attachment sheet where multiple charges]	Date: Between 12 December 2000 and 13 February 2004 **Charge:** • Fraud (37 counts) *The Criminal Code* s. 409(1)(c)
Final outcome	Date: 27 August 2004 **Judgment — Convicted**
	Sentence imposed — • 3 years imprisonment on each count with counts 1 and 2 cumulative and the remainder concurrent. • Eligible for parole • Sentence to commence from 5/8/04 **Other orders made on sentencing —** • Compensation orders
Certificate	I certify that the information in this certificate is true and correct. Clerk of Arraigns Judge Date: 15 September 2004

DISTRICT COURT OF WESTERN AUSTRALIA CERTIFIED TRUE COPY REGISTRAR