

DISCIPLINARY HEARING
REPORT OF PROCEEDINGS

The practitioner, Haydn Wesley Dixon, was charged before the Disciplinary Tribunal with attempting to knowingly mislead the Family Court of Western Australia or his ex-wife in Family Court proceedings by representing that discovery of documents in certificates for the Judge at callover and in an informal list of discoverable documents served on his ex-wife and her solicitors, that discovery of documents had been completed. In fact, these representations were false in that the practitioner did not disclose any documents relevant to two bank accounts in Singapore.

The practitioner accepted that these documents which were two bank accounts in Singapore, should have been disclosed and discovered, although he claimed that he had no beneficial interest in the monies in these accounts, one of which he eventually told the Court he had gifted to his mother. In fact, the so called gift occurred at least some 3 years after the marriage break-up and the Family Court proceedings had commenced. The gift was said to occur when the practitioner transferred the nominated holder of the larger account from himself into the names of himself and his mother. His mother did not have any documents other than two bank statements in 1999 and was simply told by the practitioner that the money was hers. She never operated the account. The practitioner was also charged with illegal conduct in knowingly making a false statement in affidavits of discovery either sworn or declared in November 1992, June 1993, March 1997 and December 1997 in such proceedings when he stated that he had no assets other than as disclosed when in fact he did not disclose his interest in such accounts. He was also charged with making a false statement when in oral evidence before the learned Trial Judge, he stated in substance that he had gifted the money in one account to his mother and he believed that he had no duty to disclose either account to the Court.

In the subsequent Court proceedings after these accounts had come to light, the practitioner told the learned Family Court Judge that he had access to the funds if he chose and he also said in those proceedings 'it was changed into joint names so that if anything happened to me 'my Mum could get her hands on it'.

He also said that he chose not to disclose the accounts and he said 'I gave it to my mother therefore I had nothing to disclose'.

The practitioner attended the hearing before the Tribunal where he was represented by counsel. He did not give evidence before the Tribunal which found that he was guilty of each of the References. Having delivered its findings and reasons, the Tribunal reconvened at a later date to hear submissions after which it resolved to submit a Report to the Full Court with a recommendation that the practitioner be struck off the Roll of Practitioners and that pending that, he be suspended from practice. The Tribunal further ordered that the practitioner pay the complainant's costs fixed at \$8,296.50, and it directed publication pursuant to the provisions in the Legal Practitioners Act.

MARY-ANNE PATON (MS)
Registrar
The Legal Practitioners Disciplinary Tribunal
3 July 2003