

DISCIPLINARY HEARING
REPORT OF PROCEEDINGS

On 19 December 2003 Alessandro Palumbo pleaded guilty to a Reference alleging illegal conduct. The Reference was instituted by the Legal Practitioners Complaints Committee and was heard by the Legal Practitioners Disciplinary Tribunal. It was alleged that the practitioner and another, conspired together to defeat the course of justice by concealing the true identity of the driver of a motor vehicle so as to prevent the prosecution of the practitioner for the offence of contravention of a red traffic control signal.

The facts briefly stated are that at about 2.52 am on 23 July 2001 the practitioner drove his vehicle through an intersection in Scarborough against a red traffic control light. As the practitioner was aware, a traffic infringement conviction would have added a sufficient number of points to the practitioner's existing demerit points to result in the automatic suspension of his licence. Later that day, the practitioner and his co-accused, agreed that the co-accused would take responsibility for being the driver in return for which he would be paid \$100 and a \$200 debt owing by him to the practitioner would be cancelled. For reasons unconnected with this offence, the telephone of the practitioner was being monitored. Following a Police investigation the co-accused agreed that he was not the driver. The practitioner and his co-accused, pleaded guilty and His Honour Judge Fenbury in the District Court fined the practitioner \$3,000.

On 26 November 2002 before a differently constituted Tribunal, Mr Palumbo had pleaded guilty to illegal conduct on a Reference which alleged that he had in possession a prohibited drug, namely cocaine, contrary to Section 6(2) of the Misuse of Drugs Act. The Tribunal submitted a Report to the Full Court of the Supreme Court recommending that the practitioner be struck off the Roll of practitioners in respect to that earlier Reference.

This Tribunal made a similar Order. It requested that this Report to the Full Court be heard at the same time as the Full Court dealt with the earlier Report. The Tribunal also ordered that the practitioner be suspended from practice pending the decision of the Full Court and it ordered that the practitioner pay the costs of the Complaints Committee which it fixed at \$1,000. It also ordered publication of its Reasons pursuant to Section 31D of the Legal Practitioners Act 1893.

Mary-Anne Paton
Registrar
Legal Practitioners Disciplinary Tribunal
14 January 2004