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Supreme Court of South Australia

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LAW SOCIETY OF SOUTH AUSTRALIA v LIDDY No. SCCIV-03-1143 [2003] SASC 379 (5 November 2003)

Last Updated: 1 February 2004

Court

SUPREME COURT OF SOUTH AUSTRALIA

Judgment of the Full Court (ex tempore)

Hearing

05/11/2003.

Catchwords and Materials Considered

PROFESSIONS AND TRADES --- LAWYERS --- MISCONDUCT, UNFITNESS AND DISCIPLINE --- DISCIPLINARY ORDERS

STRIKING OFF AND ANCILLARY ORDERS Application for an order that the respondent's name be struck off the roll of legal practitioners - whether the inherent jurisdiction of the court to strike off should be exercised - where there was no previous hearing or previous finding of the Legal Practitioners Disciplinary Tribunal - where the respondent was convicted of multiple counts of indecent assault and unlawful sexual intercourse - where the respondent is serving a sentence of imprisonment for 25 years with a non-parole period of 18 years for these offences - where the respondent was a magistrate - application allowed.

- [Legal Practitioners Act 1981 \(SA\) 89\(3\)](#), referred to.
- [Law Society of South Australia v Rodda \[2002\] SASC 274; \(2002\) 83 SASR 541](#), considered.

Representation

Applicant: LAW SOCIETY OF SOUTH AUSTRALIA
Counsel: MR H ABBOTT

Respondent: PETER MICHAEL ◀ LIDDY ▶
No Attendance

SCCIV-03-1143

Judgment No. [2003] SASC 379

5 November 2003

(Full Court: Doyle CJ, Perry and Gray JJ)

LAW SOCIETY OF SOUTH AUSTRALIA v ◀ LIDDY ▶

[2003] SASC 379

Full Court: Doyle CJ, Perry and Gray JJ

1. DOYLE CJ: This is an application for an order that Mr ◀ Liddy ▶'s name be struck off the roll of legal practitioners. The proceedings have been served on Mr ◀ Liddy ▶, who is currently serving a sentence of imprisonment.
2. The court has been informed by a letter from a solicitor on whom the proceedings were served by way of substituted service, that Mr ◀ Liddy ▶ does not oppose the making of the order.
3. As will appear, I consider that this is a case in which it is appropriate to exercise the court's inherent jurisdiction under s 39(3) of the Legal Practitioners Act 1981 (SA). Usually the court will exercise its disciplinary powers only after proceedings before the Legal Practitioners Disciplinary Tribunal, and with the benefit of a finding by the Tribunal. In that way, all relevant facts can be brought out and appropriate findings made. This ensures that all aspects of the practitioner's conduct are before the court.
4. But the present case is a plain case. The application is based on the fact of certain convictions and on their nature and seriousness. Accordingly, the procedure of a formal hearing before the Legal Practitioners Disciplinary Tribunal is not necessary.
5. Mr ◀ Liddy ▶ was admitted in 1967. After practising as a practitioner he was appointed as a magistrate in 1974. He has not held a practising certificate since about the time of his appointment. In July 1999, Mr ◀ Liddy ▶ was charged with a number of serious offences. He resigned from his appointment as a magistrate as from December 1999. On 5 June 2001, a jury convicted Mr ◀ Liddy ▶ of a number of offences. First, three counts of indecent assault. Second, six counts of unlawful sexual intercourse. Third, one count of offering a benefit to a witness as an inducement to give false evidence in proceedings against Mr ◀ Liddy ▶.
6. One of the convictions for unlawful sexual intercourse was quashed on appeal and a verdict of guilty of indecent assault was substituted.
7. The indecent assaults were committed on boys of nine or ten years of age. The offences of unlawful sexual intercourse were committed on boys aged between eight years and eleven years.
8. The victims of all of the sexual offences were young boys with whom Mr ◀ Liddy ▶ became

involved in Mr Liddy's capacity as a coach at a life saving club. He exploited his standing in the community as a magistrate, and his position in the club, to gain the trust of the boys' families. In this way he was able to commit the offences.

9. The offences are very serious in themselves. The breach of community trust, and the misuse of his position as a magistrate, add to their seriousness.
10. Mr Liddy is now serving a sentence of imprisonment for 25 years, a non-parole period of 18 years having been fixed. Although Mr Liddy's offences were unconnected with legal practice, or the practice of the law, the offences are offences of an infamous nature, punishable by imprisonment, so they come within the statutory definition of unprofessional conduct. The number of offences and their seriousness make inevitable a finding that Mr Liddy is guilty of unprofessional conduct, and unprofessional conduct of a serious kind.
11. I am satisfied that Mr Liddy's name should be struck off the roll. This is not done to punish him. That is not the purpose of disciplinary proceedings. It is done to protect the public, by removing the right to practise from a person who has demonstrated that he is not fit to remain a member of the legal profession, nor to occupy a position of public trust. In addition, the public could not be confident in a profession which allowed a person who has committed such serious offences to remain within its ranks.
12. I refer to the remarks that I made on this topic in *Law Society of South Australia v Rodda* [2002] SASC 274; (2002) 83 SASR 541.
13. I would order that the name of Peter Michael Liddy be struck off the roll and I would order that he pay the costs of the application.
14. PERRY J: I agree.
15. GRAY J: I agree.

