

17 June 2022

Mr E. John Maitland  
Maitland Lawyers  
Suite 1005, 530 Little Collins Street  
Melbourne VIC 3000  
By email: [admin@maitlandlawyers.com.au](mailto:admin@maitlandlawyers.com.au)

Dear Mr Maitland

**RE: QLD TSL HOLDERS v QLD GOVERNMENT LEGAL ACTION**

We refer to your letter on 8 June 2022 (Your Letter)<sup>1</sup> which we understand you have also published for wide circulation amongst the Taxi Council of Queensland's members.

We note that TCQ's letter to you on 10 May 2022<sup>2</sup> remains unacknowledged and unanswered. We also note that the letter from our legal team, Ellem Warren Lawyers, on 10 June<sup>3</sup> was acknowledged but received only a dismissive reply.

In reply to Your Letter, we advise the following:

Firstly, TCQ cannot reasonably accept your claim of continuing to act for 957 members in the legal action against the Queensland Government. Differing with your presumption<sup>4</sup>, TCQ understands that –

1. the legal action ended some four (4) months ago with the unsuccessful mediation event in mid-February 2022, and ipso facto the terms of your firm's retainer to act ended mid-February as well; plus
2. many of the "957" have written to you formally terminating your authority to act on their behalf, thereby removing any possible doubt about your authority having expired.

Secondly, TCQ considers your accusation of "unwarranted meddling"<sup>5</sup> to be without merit. From the feedback TCQ has received from town hall style meetings held with taxi licence holders around the State we know that there is wide appreciation for our efforts to call out groups promoting \$50,000/licence buy-back figures<sup>6</sup> and even \$150,000/licence buy-back figures<sup>7</sup>. TCQ's strong opposition to such grossly low licence buy-back figures has received overwhelming support, and not just from the majority of taxi licence holders who chose not to join your plaintiff group but also from amongst those that did. Put bluntly, TCQ makes no apology for standing up and opposing anyone promoting "solutions" that misunderstand and undervalue the assets of Queensland taxi businesses. Contrary to your view then, we consider our interventions have been genuinely warranted and moreover that they have the support of the overwhelming majority of TCQ's members.

<sup>1</sup> attached for the convenience of readership as Attachment "A"

<sup>2</sup> attached for the convenience of readership as Attachment "B"

<sup>3</sup> attached for the convenience of readership as Attachment "C"

<sup>4</sup> Para 1, page 1, of Your Letter

<sup>5</sup> Para 4, page 1, of Your Letter

<sup>6</sup> A figure that your lobbyist suggested to TCQ may be considered a reasonable buy-back price

<sup>7</sup> An estimate of the average amount payable per licence based on your Steering Committee's representatives' advice to TCQ.

Thirdly, TCQ agrees with your comment that wide-spread confusion exists within the industry about the status and future intentions of the legal action, however in our view the responsibility for that confusion lies with you rather than TCQ. For example, in our letter to you on 10 May 2022, TCQ noted the completely contradictory advice being given about the legal action's Trust Fund by different members of your Steering Committee. Our letter has not received any reply and the confused positions seemingly remain unresolved. Another example can be found in the second paragraph of your letter where you concede that the legal action "has ended" but then go on to assert that it is somehow "not ended", effectively continuing on under your guidance as a political campaign. TCQ has received many complaints from members of the plaintiff group about this strange pivot and pretences that the action was supposedly always a political campaign rather than a legal battle to be won or lost in court. In TCQ's view, our members' concern and confusion with this apparent re-writing of history presents as entirely reasonable, given the logical inconsistencies in the revised position. For example, if the action was always a political campaign that commenced in 2018:

- Why was a political lobbyist only engaged from July 2021 and why was she only registered on the Queensland Lobbyist Register as acting for your group from 27 August 2021, some three 3 years after the action commenced rather than from the outset? (and only after the Queensland Supreme Court and Australian High Court had summarily dismissed hearing the matter?)
- Why has over 70% of the Trust Fund monies reportedly been spent with solicitors and barristers with no professional political lobbying experience or qualifications, if the action was properly a political campaign rather than a legal action?
- Why have you as a Victorian solicitor, with only one (1) small office in Melbourne and no track record of success in political lobbying, reportedly been paid over \$600,000 - if the action was not a legal action but rather always a State based political campaign to be waged in Queensland?

TCQ's members find such matters confusing and we agree with them. In our view, it is also confusing as to how taking over 3 years and reportedly spending \$2 million to merely achieve a single, solitary meeting for only a couple of members of the Group with a Government Minister can be portrayed as anything other than a pyrrhic victory. In sum, TCQ's and our members' questions are not a cause for any confusion, the confusion emanates from the lack of answers and/or inconsistencies in the answers to our members' questions.

Fourthly, we simply note for the record that TCQ wrote to Ms Meares on 17 March 2022 inviting her, as the apparent leader of your Steering Committee, to provide suggestions and/or advice about how the Steering Committee members wished to work with TCQ. Receiving no reply, we followed up that invitation with a further email on 24 May 2022 which also received no reply. Contrary to your criticism of TCQ, it is in fact your Steering Committee that has shown no interest to engage with TCQ about working cooperatively.

Fifthly, TCQ is unaware of publishing any misleading articles in its Weekly News<sup>8</sup>. TCQ has been providing information and advice in a range of formats to our members for over 70 years. It is a natural role for an industry peak body such as TCQ. If you are able to point to any specific error in a TCQ article in the Weekly News, we would welcome being provided with facts and evidence proving such error was indeed made. Please be assured, that if substantive errors were ever proven then TCQ would be prepared to promote their correction.

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<sup>8</sup> Para 4, page 1, of Your Letter

However, please also be assured that TCQ has no intention of resiling from positions where the facts support them, no matter how much they may irritate anyone promoting contrary views. We would simply remind you that the majority of taxi licence holders in Queensland chose not to join your legal action and so they are excluded from all of your privileged communications. It therefore falls to TCQ to keep those licence holders informed, especially regarding activities that may present a risk to their business assets or general well-being.

By way of conclusion, we would simply remind you of the tangible assistance that TCQ provided to your promotion of the legal action. TCQ gave you a platform at our 2018 Queensland Taxi Conference and we even funded your travel to attend that conference. On request, TCQ ran helpful updates periodically in the Weekly News, such as the promotion of your "roadshows" which you acknowledged at the time (e.g. your email 19 November 2018). We also provided further assistance to you in the supply of TCQ's archival materials helpful to your research and preparations (e.g. acknowledged in your email on 26 February 2019).

In that context then, we would encourage you to consider responding properly to the letter from Ellem Warren Lawyers, acting for us and the members of the plaintiff group who have appointed TCQ as their agents. The implied questions raised by Ellem Warren Lawyers in relation to the Trust Fund you established and have administered remain matters of serious concern, and they deserve not be dismissed or ignored:

- Have all of the "insurance" monies, that were reportedly collected on the basis of being subject to an express proviso in the Disclosure Statement & Costs Agreement, namely of being "*set aside for the sole purpose of insurance against adverse costs*", been fully and properly preserved?
- Was the sum of "insurance" monies contributed by client licence holders about \$1,350,000?
- Was the sum of adverse costs negotiated as payable by the plaintiffs in the legal action only \$150,000?
- Is the total amount of residual monies in the Trust Fund available for return to claimants then at least \$1,200,000 (i.e. equal to \$1,350,000 minus \$150,000)?
- If the total amount of residual monies in the Trust Fund should be at least \$1,200,000 why are plaintiff taxi licence holders reportedly only being offered refunds of \$450 per licence instead of approximately \$890 per licence?

TCQ understands that those of our members who contributed monies into the Trust Fund want Ellem Warren Lawyers, and indeed TCQ, to pursue answers to these questions. We intend to continue supporting them in that. TCQ also understands that the overwhelming majority of taxi licence holders in Queensland want TCQ to secure the best possible outcomes available for them via the Queensland Government's Review of the Taxi Licencing Framework and do so as a matter of urgency. We are committed to doing that as well.

Yours faithfully



Blair Davies  
CEO  
Taxi Council of Queensland



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Our ref: 80347

## ATTACHMENT "A"

8 June 2022

The Board of the Taxi Council of Queensland  
8/96 Cleveland Street  
Stones Corner Qld 4120  
Email: [info@tcq.org.au](mailto:info@tcq.org.au)

Dear Board Members

As you are presumably aware, we act for the plaintiff group which comprised 957 members representing approx. 1350 taxi licences ['the Group'], in a claim for compensation against the State of Queensland.

The legal proceedings have since been concluded and the Group has met with the Minister to present a workable compensation proposal. They continue, as a unified body, to meet with other MPs to press the State Government for proper compensation through the political process.

It has been brought to our attention by a number of the members of the Group that they have been approached by the TCQ and/or they have been provided with information by the TCQ in relation to the affairs of the Group that is misleading and/or plainly wrong.

The unwarranted meddling by the TCQ into the affairs of our Group has caused confusion among some members of the Group, which has caused an unnecessary increase in our administration and costs in addressing the confusion caused by that interference. The continued publication of misleading articles in the weekly TCQ News is alarming, not simply because of the error of the content, but more fundamentally because of the division that you are creating amongst those who we are both seeking to assist.

By way of example of the confusion caused by the TCQ is the following extract from an email from a concerned member of the Group which was received by our firm this week:

*"We were led to believe by our TAXI Council of Qld that we had a responsibility to support them by "opting out" with signed letters of authority. On further advice by other members we would now like to withdraw our authorities and go on hold if Maitland Lawyers are going to continue working on our case"*

We have received a number of similar communications from members of our Group, all of whom instructed us that they were provided with misinformation from the TCQ. Of the small number of clients (approximately 12) whom indicated they would follow the TCQ's advice to opt out, many have subsequently reversed their decision when they became aware of the true position.



From our perspective, we see no need to indulge the TCQ in matters to which it has no legitimate involvement. We do not propose to waste our clients' funds by continuing to engage with TCQ and to the extent that you act for TCQ with regard to this issue (i.e. whether our clients continue to engage us or whether they terminate our retainer) the same position applies.

Yours faithfully,  
**MAITLAND LAWYERS**

A handwritten signature in dark ink, appearing to read "E. John Maitland", is written over a horizontal line. The signature is somewhat stylized and includes a large loop at the end.

**E. JOHN MAITLAND**

## ATTACHMENT "B"



Suite 8, 96 Cleveland St  
Stones Corner QLD 4120  
blairdavies@tcq.org.au

10 May 2022

Mr E. John Maitland  
Maitland Lawyers  
Suite 1005, 530 Little Collins Street  
Melbourne VIC 3000  
By email: [admin@maitlandlawyers.com.au](mailto:admin@maitlandlawyers.com.au)

Dear Mr Maitland

### RE: QLD TSL HOLDERS v QLD GOVERNMENT

The Taxi Council of Queensland (TCQ) is writing to you on behalf of members who joined the legal action against the Queensland Government that ended on 15 February 2022. We have been asked by them to request that you expedite -

1. finalisation of the audit of the Trust Fund established for the conduct of the legal action; and
2. distribution/return of whatever monies are remaining in the Trust Fund to the plaintiffs.

We note, that TCQ was advised by [REDACTED] of your Steering Committee (the Group of 10) on 12 April 2022 that these actions were already proceeding and were expected to be completed within 6-8 weeks. Relying on that advice, we were inclined to consider it unnecessary to write to you about our members' concerns in relation to the Trust Fund.

However, we have more recently been informed by comments from [REDACTED] of your Steering Committee which are inconsistent with [REDACTED] previous advice. At least on 27 April 2022, [REDACTED] was advising that monies remaining in the Trust Fund would be progressively applied to lobbying the Queensland Government until such time as they were fully exhausted.

Given the obvious confusion created by the contradictory advice from members of your Steering Committee, please confirm if, or when, TCQ members who joined the plaintiff group will receive -

1. an audit report for the Trust Fund; and
2. full payment of their share of monies remaining in the Trust Fund.

Yours faithfully

Blair Davies  
CEO  
Taxi Council of Queensland

Taxi Council Queensland INC. ABN 94 004 988 707

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# ELLEMWARREN LAWYERS

## ATTACHMENT "C"

Our Ref: 1646  
Direct email: bwarren@ellemwarren.com.au

10 June 2022

Maitland Lawyers  
Suite 1005, 530 Little Collins Street  
MELBOURNE VIC 3000

BY EMAIL: [admin@maitlandlawyers.com.au](mailto:admin@maitlandlawyers.com.au)

Dear Colleagues,

### **Queensland Taxi Licence Owners' v State of Queensland (BS2381/19)**

Taxi Council of Queensland Incorporated (TCQ) has engaged us to act for it and for the claimants in the plaintiff group who appointed TCQ as their agents.

We understand that you are in receipt of letters signed by claimants in the plaintiff group (template **attached** for reference) giving you clear and unequivocal notice for the immediate termination of your retainer to act and appointing TCQ as their agent in connection with their entitlement to the return of their money held by your firm on trust.

Of concern: we are advised that TCQ has sent multiple correspondences to you on behalf of those claimants for whom it acts but has yet to receive any reply, satisfactory or otherwise. Please regard this letter as giving notice that if you continue to disregard the termination of your engagement by those claimants, the appointment of TCQ as their agent, and the return of money you hold on trust, we will recommend TCQ refer such behaviour to the Victorian Legal Services Board and Commissioner.

We respectfully encourage you to be more responsive to TCQ enquiries about the return of trust money to those (former) clients of yours who have terminated your engagement. On our review of materials available, we are inclined to concur with TCQ's analysis of the Trust Fund, specifically:

- The "insurance" monies were purportedly collected subject to an express proviso in the Disclosure Statement & Costs Agreement of being "set aside for the sole purpose of insurance against adverse costs";
- The sum of "insurance" against adverse costs monies contributed to the Trust Fund on behalf of all the client Licence Owners should have been circa \$1,352,000;
- The sum of adverse costs negotiated as payable by the plaintiffs in the legal action is understood to have been only circa \$150,000; and so by logical deduction
- The total amount of residual of monies in the Trust Fund that should be available for return to claimants should be at least \$1,202,000 - a sum which if returned to the claimants in equal proportion equates to \$889.05 per licence.

Of concern: we understand that you have written to claimants in the plaintiff group advising them that they may only receive circa \$450 per licence and only if they give notice of choosing to "opt out". Please regard this letter as giving notice that you must provide an explanation and justification to the claimants in the plaintiff group for whom TCQ and we act as to the reasons for variation in refund figures and a justification for same if one exists.

To be clear: TCQ's preliminary analysis points to a very material sum that may be missing in the Trust Fund of over \$400,000 and your obligations under the *Legal Profession Uniform Law (Vic)* require urgent, full and open disclosure of the Trust Fund accounts.

Lastly, we note that we have seen correspondence from one of the 'group of 10', purporting to make it a condition of the return of claimants' monies from the Trust Fund that they "void" their appointment of TCQ. Are you aware of this? You will appreciate that an Australian legal practitioner has very limited circumstances in which he/she may lawfully withhold a client's money held on trust, or condition its return with 'opt in' (or 'opt out'). If you are not privy to what the 'group of 10' are saying, purportedly on behalf of your firm, as the conditions on which trust money will be returned to your (in some cases – those who appointed TCQ – former) clients then we invite you to confirm. Otherwise, we suggest you caution the members of the 'group of 10' not to communicate with your clients on your behalf (i.e. with your firm's apparent or ostensible authority) except on terms that your firm approves.

Please respond within the next 7 days to each of the matters above:

- a) respond substantively to questions raised in earlier TCQ correspondence; and
- b) indicate whether the 'group of 10' are your firm's agent (expressly, ostensible, or otherwise), and if not, what is being done to monitor or control what they say are the conditions for the return of former client money held on trust.

In closing, respectfully, whilst the compensation claim against the State of Queensland may have been a well-intentioned and valiant effort, that effort ran its course, and we see little valid reason for licence owner money to continue to be expended on lawyers; especially those who have signed and given to your firm unequivocal terminations of engagement.

Yours faithfully  
**ELLEM WARREN**



Ben Warren  
Director



Mr E. John Maitland  
Maitland Lawyers  
Suite 1005, 530 Little Collins Street  
Melbourne VIC 3000  
By email: [admin@maitlandlawyers.com.au](mailto:admin@maitlandlawyers.com.au)  
[ceo@tcq.org.au](mailto:ceo@tcq.org.au)

Dear Mr Maitland

**Re: Queensland Taxi Licence Owners' Group Claim against State of Queensland for Compensation (BS2381/19)**

I/We am/are members of the above Owners' Group.

The claim for compensation against the Queensland Government has failed, the court process was discontinued in February 2022, and your retainer to act on my/our behalf should have then ended. To the extent that you continue to act for me/us, I/we give notice effective immediately to terminate my/our costs agreement / retainer with you.

I/We expect the prompt return of the trust funds held on my/our behalf.

**Please note:** I/We hereby appoint the Taxi Council of Queensland Inc (TCQ) as my/our agent in connection with the return of my money received by your firm, with full authority to give and receive communications on my/our behalf. Please provide TCQ with my/our final account and trust account statement within 7 days. To the extent (if at all) that I may have previously authorised the Committee (also known as the Group of 10; also identified in 'The Schedule' to the costs agreement) to liaise with you on my behalf, all such authority is hereby revoked.

Kind regards,

\_\_\_\_\_  
Signatures

\_\_\_\_\_  
Name(s) of Claimant(s)

Date: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

cc Taxi Council of Queensland