

SUPREME COURT OF QUEENSLAND

**CHIEF JUSTICE
MARGARET WILSON J
DOUGLAS J**

**IN THE MATTER OF AN APPLICATION FOR ADMISSION AS A LEGAL
PRACTITIONER BY JONATHAN PETER PRENTICE
(APPLICANT)**

BRISBANE

DATE 11/03/2013

JUDGMENT

THE CHIEF JUSTICE: The applicant has the recommendation of the Board, qualified only by the Court's need to relieve him if appropriate from the consequences of formal non-compliance with the admission rules, and that is an order which we make.

Ms Tina Bagley has sought leave under Rule 14 of the *Supreme Court Admission Rules* 2004 to object in circumstances where she did lodge an objection with the Board on 8 February 2013 and the Board dismissed that objection.

Unfortunately, the Board did not give reasons for that dismissal in its notification to Ms Bagley, which amounts to a non-compliance with Rule 14 subrule 7. I have asked the Secretary to draw the Board's attention to the need to give reasons in such circumstances; they not only assist the potential objector but can be of assistance to the Court if the matter is agitated further.

The points Ms Bagley wishes to ventilate, should leave be granted, have been considered by the Board and have attracted responses from the applicant and others in support of his position. Some indication of the flavour of the points which she seeks to pursue may be gathered from this brief summary. Her oral submissions before us this afternoon related to Mr Prentice's affidavit filed on 27 February 2013.

In relation to paragraph 15(d), for example, she asserts that she had provided a medical certificate whereas Mr Prentice said that she had failed to provide a certificate. There is any number of explanations as to why a certificate, if provided, actually did not get into the hands of the Court but, in any event, there is no reason to suggest that in making that assertion in subparagraph (d) the applicant is in any sense being deceitful and misleading.

Then in relation to paragraph 18, it was asserted that Mr Prentice was less than frank in not adverting to the possibility of Ms Bagley's appealing. I do not see why he was obliged to mention that aspect.

In relation to paragraph 24, Ms Bagley criticised his having said that he tendered his resignation, whereas she asserted before us that he was effectively retrenched. Likewise, in paragraph 31, he refers to her resignation, rather than her retrenchment. These are matters of characterisation, and I am not, for my part, persuaded that there is anything sinister about that particular use of language.

There was much said about his contention, in paragraph 32, that he believed she had a legitimate claim to ownership of a laptop as being part of a salary sacrifice arrangement. She says that that was not so, but again Mr Prentice is simply stating his belief. If it was mistaken, so be it. It does not seem to me that that would bear upon his suitability for admission.

There was discussion about whether in the employer's web page the applicant had presented himself as a qualified lawyer. A sufficient answer to that is to be found in the reference to his not having completed his qualification, the expectation at the time being apparently that the legal qualification would be obtained by December this year.

There was challenge to his assertions in denying having interfered with the content of Ms Bagley's electronic devices, particularly her mobile phone and her email account. He denied having done that. He said it would be beyond his capacity. She challenges that on the basis of material given to her apparently by Optus. But again I cannot see how that challenge, to paragraph 63 in particular, can be sustained.

She challenged paragraph 64 on the basis that the applicant had emailed her. That may well be so, but there he is simply expressing his preference to avoid contact in circumstances where there had been an apparently acrimonious parting at an earlier stage.

I have not covered all of the points raised by Ms Bagley, but the ones I have covered are representative of her approach, and I am not satisfied that they provide any ground why leave should be given today for her to pursue her objection. I particularly refer again to the circumstance that the Board has in the regular way considered the objection and dismissed it. It must be assumed that the Board would have done that for reasons similar to the ones I have just expressed.

MARGARET WILSON J: I agree with what the Chief Justice has said.

DOUGLAS J: I agree also.

THE CHIEF JUSTICE: Leave is refused, Ms Bagley. As I have already made the order excusing non-compliance, let Mr Prentice now be admitted.