

# SUPREME COURT OF QUEENSLAND

CITATION: *Rowe v Emmanuel College* [2015] QSC 3

PARTIES: **CHAD EVERETT ROWE**  
(applicant)  
v  
**EMMANUEL COLLEGE**  
ACN 010 563 256  
(respondent)

FILE NO/S: 9507 of 2014

DIVISION: Trial Division

PROCEEDING: Application

ORIGINATING COURT: Supreme Court at Brisbane

DELIVERED ON: 16 January 2015

DELIVERED AT: Brisbane

HEARING DATE: 22 October 2014

JUDGE: Martin J

ORDER: **Application dismissed.**

CATCHWORDS: PROCEDURE – MISCELLANEOUS PROCEDURAL MATTERS – VEXATIOUS LITIGANTS AND PROCEEDINGS – where the applicant gave an undertaking that he would not institute particular proceedings without bringing an application for leave as if he were subject to a vexatious proceedings order under the *Vexatious Proceedings Act 2005* – where this proceeding is such an application – whether the applicant has complied with the requirements of the *Vexatious Proceedings Act 2005*

*Vexatious Proceedings Act 2005, s 11(3)*

COUNSEL: Applicant in person

SOLICITORS: Applicant in person

- [1] On 15 July 2013 Mr Rowe gave an undertaking to the Court that he would not institute any proceeding in Queensland against Emmanuel College or any director or employee of Emmanuel College (in that person's capacity as such) without bringing an application for leave to the court to institute the proceeding, as if he were subject to a vexatious proceedings order under the *Vexatious Proceedings Act 2005* prohibiting him from instituting proceedings in Queensland against the first applicant or any director or employee of the first applicant.

- [2] The circumstances giving rise to the need for him to make such an application has been dealt with in my reasons in *Rowe v Emmanuel College & Anor* [2015] QSC 2. In this application Mr Rowe seeks leave to file an appeal to the Court of Appeal to set aside orders made by Atkinson J on 29 September 2014 in *Emmanuel College v Rowe* [2014] QSC 238. In that proceeding, Atkinson J:
- (a) held that the respondent had committed contempt of court by breaching certain orders of the court,
  - (b) ordered that Mr Rowe be sentenced to 12 months imprisonment wholly suspended for a period of three years, and
  - (c) ordered that he pay the applicant's costs on an indemnity basis.
- [3] In support of his application for leave to commence an appeal, Mr Rowe has filed an affidavit purportedly in compliance with s 11(3) of the *Vexatious Proceedings Act 2005*.
- [4] The affidavit relied upon by Mr Rowe is relevantly identical to the affidavit upon which he relied in the other matter. It follows that this application must be dismissed for the same reasons given in the other matter.
- [5] The application is dismissed.