

In the Matter of Peter John Newton Brooke

Case No: SCT/56
Date of Hearing: 12 February 2002
Appearing Before: Ms C C Endicott (Chairperson)
Mr P Mullins
Dr J Lamont (Lay Member)
Penalty: Struck Off

Charge

That the practitioner be struck off the Roll of Solicitors of the Supreme Court of Queensland on the ground that the practitioner was, on 21 June 2001, struck off the Roll of Solicitors in New South Wales.

Appearances

- (a) For the Council of the Queensland Law Society Incorporated:
Mr B Bartley, solicitor of Brian Bartley & Associates, solicitors
- (b) For the practitioner:
There was no appearance on behalf of the practitioner

Findings and Orders

1. The tribunal orders that the name of Peter John Newton Brooke be struck from the Roll of Solicitors of the Supreme Court of Queensland.
2. The tribunal further orders that the practitioner pay the costs of the Queensland Law Society Incorporated of and incidental to this application, including the costs of the clerk to the tribunal and the recorder, such costs to be agreed and, in default of agreement, as assessed by Monsour Legal Costs Pty Ltd.

Reasons

The practitioner was admitted as a solicitor in New South Wales as well as in Queensland.

In 2000, the Law Society of New South Wales, brought charges against the practitioner, alleging he was guilty of professional misconduct. Those charges arose from mortgage lending work performed by the practitioner in New South Wales.

In essence, the charges allege that the practitioner arranged lending without adequate security, arranged lending contrary to the client's authority, and paid funds to a broker when the funds were expressly earmarked for another purpose.

The charges further allege that the practitioner advanced funds after a loan was in default, he had preferred the interests of one group of creditors over another, and he had not informed the lenders that a loan was in default for an extended period of time.

The practitioner was found guilty of professional misconduct by the Administrative Decisions Tribunal in New South Wales, and his name was struck from the Roll of Solicitors in New South Wales.

The Queensland Law Society has brought this application under s6T of the *Queensland Law Society Act 1952*. The law society submitted that the conduct found to constitute professional misconduct by the Administrative Decisions Tribunal is conduct that establishes an unfitness to practise as a solicitor in Queensland.

The onus is on the practitioner to show the tribunal why his conduct was not of that character. He has not done so, and the materials contained in his filed affidavit also fail to discharge that onus. The tribunal found that the practitioner has not demonstrated fitness to practise as a solicitor in Queensland and as a consequence his name should be removed from the Roll of Solicitors.