In the matter of an application by Joy Onyeledo (No 2) [2016] NTSC 68

PARTIES:	IN THE MATTER OF THE LEGAL PROFESSION ACT 2006 AND IN THE MATTER OF AN APPLICATION BY ONYELEDO, Joy
TITLE OF COURT:	SUPREME COURT OF THE NORTHERN TERRITORY
JURISDICTION:	SUPREME COURT OF THE NORTHERN TERRITORY EXERCISING TERRITORY JURISDICTION
FILE NO:	LP 10 of 2014 (21431542)
DELIVERED:	12 DECEMBER 2016
HEARING DATES:	19 AUGUST 2016, 3 NOVEMBER 2016
JUDGMENT OF:	KELLY J

CATCHWORDS:

LEGAL PRACTITIONERS (NORTHERN TERRITORY) – Application for admission – Referral from the Legal Practitioners Admission Board – Whether the applicant is a fit and proper person – Determination deferred for Applicant to provide further submissions – Applicant demonstrated significant understanding of her obligations of candour to the Court – Board to determine questions of qualification in terms of knowledge and ability – Fit and proper person to be admitted to practise as a lawyer - Application granted

Legal Profession Act 2006, s 32(1)

Qadir v Department of Transport [2015] NTSC 86; *Re Deo* (2005) NTLR 102; *Re Liveri* [2006] QCA 152; *Re OG (a Lawyer)* (2007) 18 VR 164; *Sobey v Commercial and Private Agents Board* [1979] 22 SASR 70; *Wentworth v NSW Bar Association* (1992) 176 CLR 239, applied

Connop v Law Society Northern Territory [2016] NTSC 38; *In the matter of an application by Joy Onyeledo* [2015] NTSC 60; *In the matter of an application by Gadd* [2013] NTSC 13; *In re Davis* (1947) 75 CLR 409, referred to

REPRESENTATION:

Counsel:

Applicant:	M Crawley
Law Society:	J Truman

Solicitors:

Applicant:	De Silva Hebron
Law Society:	Law Society Northern Territory

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IN THE SUPREME COURT
OF THE NORTHERN TERRITORY
OF AUSTRALIA
AT DARWIN

In the matter of an application by Joy Onyeledo (No 2) [2016] NTSC 68
No. LP 10 of 2014 (21431542)

IN THE MATTER OF:

THE LEGAL PROFESSION ACT 2006

AND:

IN THE MATTER OF AN APPLICATION BY

JOY ONYELEDO

CORAM: KELLY J

REASONS FOR JUDGMENT

(Delivered 12 December 2016)

The referral by the Board

[1] On 9 December 2014, the Legal Practitioners Admission Board (the 'Board') referred to this Court the question of whether Joy Onyeledo (the 'Applicant') is a fit and proper person to be admitted as a local lawyer of the Supreme Court.[1] The referral arose out of concerns held by the Board about the adequacy of the disclosures made by the Applicant about the details of two instances of academic dishonesty (both involving alleged plagiarism)

[1] The matter was referred to the Court under the *Legal Profession Act 2006*, s 32(1).

during her studies. In the referral, Master Luppino (on behalf of the Board) noted that the Board:

> … was concerned that the explanations given by the applicant were not entirely candid and that the second instance of academic dishonesty, occurring apparently after a warning about plagiarism following the first instance, was sufficiently serious to warrant referral of the matter to the Court …

The original decision

[2] The Law Society opposed the Applicant's application for admission and the matter proceeded to a contested hearing before me. Both the Applicant and the Law Society were represented by counsel. In written reasons published on 11 September 2015,[2] I determined that the Applicant had not at that time satisfied the onus (which rests on her) to demonstrate that she is a fit and proper person to be admitted to the legal profession. In that decision I made a number of findings.

(a) In the incidences of academic dishonesty the subject of the Board's scrutiny, the Applicant had not deliberately passed off the work of others as her own. I considered it more likely than not that the Applicant's academic misconduct was attributable to her poor grasp of essay writing and referencing. It is unlikely that the Applicant would have intended to pass off the work of others as her own while citing (albeit poorly and inadequately) the sources from which she was directly copying.

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2 *In the matter of an application by Joy Onyeledo* [2015] NTSC 60

(b) The Applicant had not been full and frank in her disclosures to the Board and to the Court about these matters in her early affidavits. The explanations given in those affidavits were initially incomplete and, as a consequence, misrepresented the nature of her conduct.

(c) The Applicant had not made a deliberate attempt to conceal the specifics of her academic misconduct from the Board or the Court. She did finally make proper disclosure in a final affidavit prepared with the assistance of counsel. I considered it likely that the initial inadequacies in disclosure were not, as the Law Society had submitted, indicative of "reckless laxity of attention to necessary principles of honesty", but rather reflected a lack of understanding of the stringent nature of her obligation of disclosure to the Board and to the Court.

[3] I did not dismiss the application, but instead adjourned it for a period of not less than six months to enable the Applicant to demonstrate to the Court, by whatever means she deemed appropriate, that she had acquired the necessary understanding of her ethical obligations in relation to plagiarism and in relation to making full and frank disclosure of relevant matters to the Court.

[4] In doing so, I said (in my written reasons) that it might be advisable for the Applicant to undertake a further course in legal ethics or other suitable course of study. I also said, in Court, after handing down the written reasons:

> Ms Onyeledo's affidavit material originally submitted to the Board, was deficient in a number of respects – even the formalities. She simply interpolated un–numbered paragraphs into the affidavits giving a brief and inadequate explanation of the academic dishonesty matters. Her final affidavit was adequate in all respects in my view, and I have said so in the reasons, but it was, I think, plainly settled by counsel.
>
> Now there's nothing wrong with counsel settling an affidavit for an application to the court. It's a perfectly proper thing to do. But when it comes to the material that Ms Onyeledo will submit, if she chooses, to the court to demonstrate her understanding, it would not be appropriate, obviously, for that material to be settled by counsel. It's something she needs to prepare to demonstrate her own understanding of those ethical matters.

The first adjourned hearing

[5] The Applicant brought the matter back on before the Court on 19 August 2016. At that time she relied on an affidavit in which she deposed to having completed a course in legal ethics through ANU. She annexed her results and the assignments she had completed and deposed (*inter alia*):

> 6. By engaging in the course, and through the required research, I believe I have gained a thorough understanding of the legislation and rules that governs (sic) the legal profession including Legal Profession Act (NT), Rules of Professional Conduct and Practice (NT) and the Barrister Conduct Rules (sic).
>
> 7. By undertaking the course I have acquired a proper understanding of the ethical obligations that apply to legal practitioners in relation to plagiarism and the making of full and frank disclosure of relevant matters to the Court. While these are themes that underpin the objectives of the course these particular principles were also specifically studied under *[nominated]* topics.

[6] The Law Society continued to oppose the Applicant's application for admission and counsel for the Law Society cross-examined the Applicant on her affidavit. During the course of that cross-examination it emerged that, contrary to what I had said when I handed down the original decision, that affidavit had been settled by the Applicant's solicitor.

[7] The matter was adjourned to allow counsel for the Applicant to find out what the circumstances were. Counsel who appeared for the Applicant was not present in court on the day I handed down my decision and made the above remarks. Neither was the Applicant. She was represented by her solicitor. It emerged that the solicitor had sent the Applicant an email advising of the outcome of her application. That email advised (*inter alia*):

> [H]er Honour wants your next affidavit, if you file one, (which needs to demonstrate that you fully understand the duty of disclosure and your ethical obligations in re plagiarism) to be drafted by you personally and not by us as your lawyers. I am sure we can assist by advising you as to content and settling but the substantial drafting must be completed by you.

[8] Thus in that email the solicitor (entirely inadvertently) misled the Applicant as to the Court's expectation of how any further affidavit was to be prepared. The Applicant's solicitor did not have reference to a transcript of my remarks and misunderstood what was required.

[9] Counsel for the Applicant tendered the Applicant's first draft of the affidavit which she had sent to her solicitor for settling. That draft lacked the detail of the settled affidavit. It simply recited that the Applicant had completed

the course, listed the topics covered, and annexed a statement of her results. It also contained the following statements which were modified in the settled version (set out at [5] above):

> 10. Throughout the course, I have researched and gained an excellent understanding of various legislations that governs (sic) the Legal Profession such as Legal Professional Act NT (sic), Rules of Professional Conduct and Practice NT and Barrister Conduct Rules (sic).
>
> 11. Since undertaking a course in Legal Ethics, I gave (sic) acquired an in depth knowledge and understanding of my obligations in relation to plagiarism, full and frank disclosures of relevant matters to the Court in which I desire to serve as an agent of justice. …

[10] An examination of the assignments annexed to the settled affidavit suggests that the assessment that the Applicant had "an excellent" understanding of the relevant legislation and conduct rules was over-optimistic. (For example in several of the assignments the teacher marking the assignment pointed out that she had cited the wrong rules – the Australian Solicitors Conduct Rules 2011 and the Australian Bar Association's Barrister's Conduct Rules rather than the relevant NT Rules – and the same error was made again after it had been pointed out once.) Nevertheless she did receive a passing grade in each of the units in the course, though she was required to re-do one of the assignments before receiving a pass and she had to re-do the multiple choice "ethics quiz" four times in order to achieve a pass mark of 10 out of 11 correct.

[11] Counsel for the Law Society submitted that the original draft did not demonstrate that the Applicant understood and was able to comply with her duty of full and frank disclosure to the Court. It overstated the level of her understanding and did not disclose any of the deficiencies revealed in the annexures to the settled affidavit.

[12] Counsel for the Law Society submitted that I should dismiss the Application. She pointed out that the Applicant could apply again in future.

[13] Counsel for the Applicant submitted that I should keep in mind that newly admitted lawyers were not immediately granted an unrestricted practising certificate but practised at first under supervision receiving practical training. He pointed out that I should not assume that the first draft affidavit would have been the final affidavit submitted by the Applicant had she properly understood that it must all be her own work. The email from her solicitor advised that he could assist with content as well as settling.

[14] I indicated that, had the final affidavit come in the form of the draft, I may well have agreed with the submission by the Law Society that it did not demonstrate that the Applicant had the appropriate understanding of her ethical obligations of full and frank disclosure to the Court. However, I took the view that in the quite exceptional circumstances then existing, in which the Applicant had been inadvertently misled as to what was required and was relying on her solicitor to advise her as to the appropriate content

of the affidavit, she should be given a further opportunity to demonstrate her understanding of and ability to comply with those obligations. I said:

> … [I]n those circumstances I intend to adjourn this application yet again, to give Ms Onyeledo a further chance, not just to talk about what her ethical obligations are, but to demonstrate that she understands them. Now, one possible method of doing that would be for Ms Onyeledo to explain in some considerable detail what she would have done on her original application if she had the knowledge that she has now; that is [provide]a full answer to Ms Truman's question in cross-examination…[3]

[15] I adjourned the application to 3 November 2016 and directed the Applicant to produce whatever material she wished to rely on to demonstrate her understanding of and ability to comply with her ethical obligations in relation to the matters the subject of the judgment, by 13 October 2016.

[16] I did not direct that the Applicant demonstrate her understanding and ability in a particular way, except to specify that it must be in writing and must be all her own work, without the assistance of her solicitor or counsel.

The second adjourned hearing

[17] In a document headed "OUTLINE OF SUBMISSION OF JOY ONYELEDO DEMONSTRATING TO THE COURT THAT SHE HAS UNDERSTOOD HER ETHICAL OBLIGATIONS IN RELATION TO PLAGIARISM AND THE MAKING OF FULL AND FRANK DISCLOSURE OF ALL RELEVANT MATTERS TO THE COURT", the Applicant elected to take up

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[3] Transcript of Proceedings, *In the matter of an application by Joy Onyeledo,* (Supreme Court of the Northern Territory, LP10/14 (21431542), Kelly J, 19 August 2016) p 30

the suggestion of addressing questions that were raised in cross-examination. The first question she identified was: "What would you have done differently if you were applying for the very first time with respect to your application for admission?" The Applicant set out the requirements for admission outlined in the Guidelines and said:

> 7. In my initial application I disclosed a findings (sic) of academic dishonesty (plagiarism) in two of my law degree units. But the issue raised was whether the disclosure was full and frank? *[punctuation in original]* The Court was not satisfied that the disclosures made regarding the circumstances surrounding the plagiarism were full and frank.
>
> 8. Where a disclosure of this nature was required, I should have sought legal assistance before lodging my application.

[18] Although this demonstrates realism and frankness, as counsel for the Law Society submitted, it is a far from satisfactory response. Documents filed in support of an application for admission as a lawyer are intended to demonstrate that the applicant is capable of giving (not receiving) legal advice. Further, the object of providing the submission was to demonstrate her understanding of the obligations in question – something this answer does not address.

[19] The Applicant also elected to provide a written answer to this question asked of her in cross-examination: "What would you have done in this application with respect to your affidavit?" [The question as I understand it was directed to the draft affidavit which was settled by counsel.] In her submission the Applicant simply said:

28. The Supreme Court Rules and Oath, Affidavit and Declaration Act (sic) sets out (sic) requirements of an affidavit which must be followed when drafting an affidavit. What I would have done better with respect to my affidavit would be to comply to these rules.

29. Rules 43.0, 43.3 and 43.6 set out the form, contents of the affidavit and the documents to be attached by way of Annexure or Exhibits

30. SS 14 and 15 sets in details how an affidavit should be made and who should witness an affidavit

Again, the submission clearly missed the point of the question.

[20] The submission then went on to talk about the course the Applicant had done and the course requirements, matters which had already been covered (and in more detail) in the Applicant's previous affidavit which was settled by her solicitor. As counsel for the Law Society pointed out, the submission also contained the same kind of generalised, self-serving conclusions about the Applicant's level of understanding of such matters as the draft affidavit the Applicant had submitted to her solicitor for settling.

[21] In addition to these matters, the Applicant went on to disclose "an offence of traffic infringement" which she had recently discovered was listed in the Guidelines published on the Court website as a matter to be disclosed. These turned out to be three speeding fines and one for not renewing her car registration. She explained that she was not aware that traffic infringements were listed in the *Disclosure Guidelines* on the Court website. She was only

aware of the "suitability matters" listed in the Act. The *Disclosure Guidelines* on the Court website simply state (relevantly):

> Offences resulting in a court-ordered fine or other sanction or else an administrative penalty, such as traffic or public transport offences, may need to be disclosed in circumstances where the frequency or number of fines, or the failure to pay fines, may give rise to concern in the eyes of an Admitting Authority or a Court about the applicant's respect for the law.[4]

[22] The Applicant wrote:

> 25. I sincerely apologise for this act it was not intentional. I did not intend to knowingly or recklessly misled (sic) the Board by not disclosing this in my affidavits, this information was realised while preparing for this submission.
>
> 26. Disclosing this information was embarrassing and uncomfortable and I understand that it could have some grave consequences on my application, notwithstanding, what is more important to me is my obligation of candour to the court whom I desire to serve as an agent of justice.

Presumably the embarrassment came about as a result of not having made herself aware of the Guidelines before making her original application for admission.

Submissions

[23] Counsel for the Applicant submitted that in disclosing the traffic infringement matters and by her comments in paragraph 26 (set out at [22] above), the Applicant had demonstrated in a practical way that she knew and understood her duty of candour to the Court.

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[4] Supreme Court of the Northern Territory, *Disclosure Guidelines For Applicants For Admission To The Legal Profession*

[24] Counsel for the Law Society submitted that this disclosure was the same kind of bald statement, lacking in detail, as the original disclosure of the academic dishonesty matters.

[25] Counsel for the Law Society submitted further that although the submission prepared by the Applicant purported to take up the suggestion I made that she demonstrate her understanding of her ethical obligations by explaining in some considerable detail what she would have done in her original application if she had the knowledge that she has now, the brief explanation given (namely that she would get legal advice) fails to demonstrate any understanding of the relevant ethical obligations.

[26] Counsel for the Law Society submitted that I should dismiss the application because the Applicant had now had two opportunities to demonstrate that she understood and could comply with her duty of full and frank disclosure to the Court and had failed both times.

Principles to be applied

[27] The onus is on the Applicant to establish that she is a fit and proper person to be admitted as a lawyer.[5]

[28] One of the primary objects to be borne in mind by a court in determining whether a person should be admitted as a lawyer is protection of the public.

> [T]he right to practise in the courts is such that, on an application for admission, the court concerned must ensure, so far as possible, that

[5] *Re Deo* (2005) NTLR 102 at 104 [4]

> the public is protected … from those who are not properly qualified and, to use the language of s.4(2) of the Act, from those who are not "suitable ... for admission".[6]

[29] In non-legal contexts, courts have placed emphasis on knowledge and ability as well as on honesty and integrity in assessing whether an applicant is a "fit and proper person" for a particular role. As I said in *Qadir v Department of Transport*:[7]

> A decision about whether an applicant is a "fit and proper person" for a particular role or purpose requires a consideration of the qualities necessary to fulfil the role or purpose. It would also generally require some consideration of the person's moral integrity and rectitude of character as well as the applicant's knowledge, ability and honesty as it relates to the role in question.

Similar remarks were made in the South Australian case of *Sobey v Commercial and Private Agents Board:*[8]

> The issue whether an appellant has shown himself to be "a fit and proper person", within the meaning of s. 16(1) of the Act, is not capable of being stated with any degree of precision. But for the purposes of the case under appeal, I think all I need to say is that, in my opinion, what is meant by that expression is that an applicant must show not only that he is possessed of a requisite knowledge of the duties and responsibilities devolving upon him as the holder of the particular licence under the Act, but also that he is possessed of sufficient moral integrity and rectitude of character as to permit him to be safely accredited to the public, without further inquiry, as a person to be entrusted with the sort of work which the licence entails.

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6 *Wentworth v NSW Bar Association* (1992) 176 CLR 239 per Deane, Dawson Toohey and Gaudron JJ at p 251

7 [2015] NTSC 86 at [52]

8 [1979] 22 SASR 70 at p 76

[30] This dual aspect of the assessment to be made is also reflected in the passage from *Wentworth v NSW Bar Association* quoted above: the public is to be protected from those not properly qualified as well as those not suitable for admission.

[31] When the question under consideration is whether a person is a fit and proper person to be admitted as a lawyer, courts naturally place a great deal of emphasis on honesty and integrity and a lawyer's obligation of candour to the Court.

> [A]n applicant for admission is obliged to deal with the admitting authorities, (in this case initially the Board and ultimately the court), "with the utmost good faith and candour, comprehensively disclosing any matter which may reasonably be taken to bear on an assessment of fitness for practice (sic)". The obligation requires frankness and honesty about any matters that may reflect adversely on fitness to practise… Importantly, it has been recognised that candour does not permit "deliberate or reckless misrepresentation pretending to be disclosure".[9] *[citations omitted]*

Conclusion

[32] It was a concern about the adequacy of the Applicant's disclosure in relation to findings of academic dishonesty which prompted the Board to refer the Applicant's application for admission to the Court. When the application first came before me I found that the Applicant had not been full and frank in her disclosures to the Board and to the Court about the findings of academic dishonesty in her early affidavits, but that this was a result of a lack of understanding of the nature of her obligation of disclosure to the

[9] *In the matter of an application by Gadd* [2013] NTSC 13 per Blokland J at [15]

Board and to the Court and that she did not intentionally or recklessly mislead.

[33] The Applicant has since undertaken and passed a course in legal ethics. In her submission prepared for the second adjourned hearing, she articulated the nature of the duty of candour and her obligation to make full and frank disclosure of all matters which might have a bearing on the assessment of her application. She also, in my view, demonstrated a practical understanding of the nature of those obligations in her disclosure of the driving offences and of the fact that she had not previously looked at the *Disclosure Guidelines* on the Court web site – a fact that she must have known reflected poorly on her diligence and competence and which caused her embarrassment.

[34] One might query whether the Applicant's "traffic infringements" required disclosure under the *Disclosure Guidelines* (set out at [21] above), but the Applicant has now demonstrated that she is aware that in a doubtful case, an applicant for admission as a lawyer should err on the side of making the fullest disclosure.

[35] I do not agree with the Law Society's submission that the disclosure of the traffic matters was inadequate. It is difficult to see what additional details could be provided in relation to speeding fines. The document annexed to the submission gives the place, date and time and the amount by which the Applicant had exceeded the speed limit. (In one case she was driving at 82

kph in a 70 kph zone; in the second she was driving at 80 kph in a 70 kph zone and in the third she was driving at 100 kph in an 80 kph zone.) The document also disclosed that she was driving the unregistered vehicle within one month of the expiry of the registration.

[36] There is a great deal of force in the Law Society's submission that the Applicant failed to demonstrate the requisite degree of understanding in her attempt to address the questions she set out in the submission. However, I conclude that this was not because she does not understand the nature of her ethical obligation of full disclosure: she demonstrated that understanding by acting on the obligation. Rather, it seems to me that she simply did not understand what it was that she was supposed to be demonstrating by answering the questions – possibly because of language difficulties. (English is not the Applicant's first language.)

[37] Unfortunately, the underlined portion of paragraph 26 of the Applicant's submission (set out at [22] above) raises another issue. In that paragraph the Applicant referred to "my obligation of candour to the court whom I desire to serve as an agent of justice." (The same expression appeared in slightly different form in her draft affidavit in the paragraph set out at [9] above.)

[38] In her submission, the Applicant wrote: "Whilst undertaking the course, I made a thorough research on relevant case laws (sic) where the issues relating to plagiarism and making full disclosures were addressed." She

then listed "[s]ome of the cases explored" including "*Re Legal Professional (sic) Act 2004; re OG a lawyer [2007] VSC 520*".

[39] In *Re Legal Profession Act 2004; re OG, a lawyer,*[10] the following sentence occurs:

> Admission to practise is conditioned upon an applicant having a 'complete realization ... of his obligation of candour to the court in which he desire[s] to serve as an agent of justice'.

[40] The judgment correctly attributes the quoted words to the judgment of Dixon J (as he then was) in *In re Davis* in the following passage.[11]

> Housebreaking for the purpose of theft is not a crime the effect of which as a disclosure of character can be considered equivocal. It is not so easy to imagine explanation, extenuation or reformation sufficiently convincing or persuasive to satisfy a court that a person guilty of such a crime should take his place as counsel at the Bar.
>
> But a prerequisite, in any case, would be a complete realization by the party concerned of his obligation of candour to the court in which he desired to serve as an agent of justice. The fulfilment of that obligation of candour with its attendant risks proved too painful for the appellant, and when he applied to the Board for his certificate he withheld the fact that he had been convicted.

[41] The borrowing from the judgment of Dixon J at paragraph 26 of the Applicant's submission is not placed in quotation marks or acknowledged, although, oddly, the Applicant has placed a footnote at the end of this paragraph referencing *Victorian Lawyers RPA ltd (sic) vs (sic) X* [2001]

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10 [2007] VSC 520 at [123]

11 (1947) 75 CLR 409; [1947] HCA 53 at p 426

VSC 429, a case in which the quote does not appear and which has no obvious particular relevance to the matter discussed in that paragraph.

[42] Finally, in the last paragraph of her submission the Applicant wrote:

> 31. By undertaking this course and the researching of relevant case laws and statues (sic), I have fully realised and acquired a thorough understand (sic) of my ethical obligations to the court in relation to plagiarism and the making of full and frank disclosures of all matter (sic) to the court.

Yet plainly the Applicant still has difficulty with proper attribution and correct referencing.

[43] I did wonder whether the Applicant's poor writing skills, lack of understanding of the purpose of the questions she was addressing in her submission, and continuing difficulties with proper attribution and referencing might be relevant matters of "knowledge and ability"[12] that I should take into account when determining whether the Applicant is a fit and proper person to be admitted to practise as a lawyer. In the interest of protection of the public, should I be assessing the Applicant's knowledge and ability in these areas in determining whether the Applicant is both "properly qualified" and, "suitable … for admission"?[13]

[44] I have concluded that these are not matters of primary concern in this matter as it can be assumed that others such as the University and the Board have

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12 as per *Qadir v Department of Transport* (supra)

13 *Wentworth v NSW Bar Association* per Deane, Dawson Toohey and Gaudron JJ at p 251

already considered them with the benefit of more information than the Court would have and are in a better position to assess those matters.

[45] In my reasons for decision of 11 September 2015 I found that the Applicant had not intentionally passed off someone else's work as her own but that the "academic dishonesty" she had been found guilty of by the University was a result of poor essay writing and referencing skills. Thereafter the major concern was whether the Applicant sufficiently understood her ethical obligation of candour to the court and I have concluded that she does.

[46] In the Board's reference to the Court, Master Luppino wrote:

> "The eligibility requirements for admission are set out in more detail in section 29 of the Act. These are essentially educational requirements. Although the Court needs to satisfy itself that the Applicant satisfies these requirements, I can indicate that the Board was satisfied that the Applicant met this requirement.
>
> The Board's concern was in respect of the suitability requirements."

He went on to explain the nature of the Board's concerns, in particular that set out at [1] above.

[47] It seems to me that whether an applicant is properly qualified in terms of knowledge and ability is more a matter for the Board to determine.[14] It would be inappropriate for me to be making any judgments about such

[14] That is not to say knowledge and ability can never be a matter for the Court when assessing whether a person is a "fit and proper" person to practise as a lawyer. See *Connop v Law Society Northern Territory* [2016] NTSC 38: "To be a fit and proper person to hold a practising certificate requires demonstrated honesty and competence in dealing with clients, other practitioners and the Court." per Hiley J at [25].

matters in an application of this kind where what the Court has been asked to determine is whether the Applicant is a fit and proper person to be admitted to practise as a lawyer.

[48] I find that the Applicant is a fit and proper person to be admitted as a local lawyer of the Supreme Court.