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LAW ADMISSIONS CONSULTATIVE COMMITTEE[1]

DISCLOSURE GUIDELINES FOR APPLICANTS FOR ADMISSION TO THE LEGAL PROFESSION[2]

1. PURPOSE OF THESE GUIDELINES

As an applicant for admission you need to satisfy the Legal Practitioners Admission Board of the Northern Territory (the "Board") that you are "a fit and proper person" to be admitted to the legal profession.[3] In all jurisdictions other than South Australia, the relevant Act also requires the Admitting Authority to consider whether the applicant is "currently of good fame and character".[4] Each of these tests reflect the overarching requirements of the pre-existing common law.

The purposes of these Guidelines are:

(a) to emphasise that Admitting Authorities and Courts place a duty and onus squarely on you to disclose to the Board any matter that could influence the Board's decision about whether you are currently "of good fame and character" and "a fit and proper person";

(b) to explain that, when you do make a disclosure, you must do so honestly and candidly, and be full and frank in what you say; and

(c) to remind you that failure to do so, if subsequently discovered, can have catastrophic consequences. You might either be refused admission, or struck off the roll, if you have been admitted without making a full disclosure.

There are many judicial explanations of what the phrase "fit and proper person" means in different contexts.[5] For example:

> The requirement for admission to practice (*sic*) law that the applicant be a fit and proper person, means that the applicant must have the personal qualities of

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1 LACC'S Charter is approved by the Council of Chief Justices which also appoints its Chairman. LACC is not, however, a committee of the Council, nor does it act on the Council's behalf.

2 Modified to the extent necessary to suit the law and practice in the Northern Territory.

3 *Legal Profession Act 2006* (NT) section 11(1)(a); *Legal Practitioners Act 1981* (SA) section 15(1)(a); *Legal Profession Act* 2006 (ACT) section 11(1)(a); *Legal Profession Act 2007* (Qld) section 9(1)(a); *Legal Profession Act 2007* (Tas) section 9(1)(a); *Legal Profession Act 2004* (Vic) section 1.2.6(1)(a); *Legal Profession Uniform Law* (NSW, Vic & WA) section 17(1)(c).

4 *Legal Profession Act 2006* (NT) section 25(2)(b); *Legal Profession Act* 2006 (ACT) section 26(2)(b); *Legal Profession Act 2007* (Qld) section 35(2)(a); *Legal Profession Act 2007* (Tas) section 31(6)(b); *Uniform Admission Rules 2015* (NSW, Vic & WA) rule 10(1)(f).

5 *In the matter of an application by Thomas John Saunders* [2011] NTSC 63; *In the matter of an application by Julian Valvo* [2014] NTSC 27; *Frugtniet v Board of Examiners* [2002] VSC 140*; Frugtniet v Board of Examiners* [2005] VSC 332*; XY v Board of Examiners* [2005] VSC 250*; Australian Broadcasting Tribunal v Bond* (1990) 170 CLR 321*; Re Legal Profession Act* 2004; *re OG, a lawyer* [2007] VSC 520; *In the matter of an application for admission as a legal practitioner* [2004] SASC 426; *New South Wales Bar Association v Einfeld* (2009) 259 ALR 278; *In the matter of the Legal Practitioners Act 1970 and in the matter of an application by Hinds* [2003] ACTSC 11; *Legal Services Board v McGrath* [2010] VSC 266.

character which are necessary to discharge the important and grave responsibilities of being a barrister and solicitor. A legal practitioner, upon being admitted to practice, assumes duties to the courts, to fellow practitioners as well as to clients. At the heart of all of those duties is a commitment to honesty and, in those circumstances when it is required, to open candour and frankness, irrespective of self-interest or embarrassment. The entire administration of justice in any community which is governed by law depends upon the honest working of legal practitioners who can be relied upon to meet high standards of honesty and ethical behaviour. It is the legal practitioner who is effectively the daily minister and executor in the administration of justice when advising clients, acting for clients, certifying documents, and making presentations to courts, governments, other professionals, and so on. The level and extent of trust placed in what legal practitioners say or do is necessarily high and the need for honesty is self-evident and essential.[6]

2. STATUS OF THESE GUIDELINES

These Guidelines do not, and cannot, diminish or supplant in any way your personal duty to disclose any matter which may bear on your fitness for admission. They merely provide information about how Admitting Authorities approach the requirement of disclosure. They also give examples of matters which you might otherwise overlook when deciding what to disclose.

The examples given are not, and could not be, comprehensive or exhaustive. You must disclose any matter which is or might be relevant to your fitness, whether or not that matter is mentioned in these Guidelines. Please err on the side of disclosing, rather than concealing, information that might turn out to be relevant in the eyes of an Admitting Authority.

3. RELEVANT PRINCIPLES

The Board will apply the following principles when determining your fitness for admission:

(a) The onus is on *you* to establish your fitness.

(b) The statutory test is cast in the present tense – whether you are "*currently* of good fame and character" and, except in South Australia, whether you are "a fit and proper person". Your *past* conduct, though relevant, is not decisive.

(c) The honesty and candour with which you make any disclosure is relevant when determining your present fitness. High standards are applied in assessing honesty and candour. Full and frank disclosure is essential - although in most circumstances your disclosure of past indiscretions will not result in you being denied admission.

(d) Your present understanding and estimation of your past conduct at the time you make your application is relevant.

(e) Any disclosure you make that may be relevant to whether you are currently able to carry out the inherent requirements of practice is confidential.

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6 *Frugtniet v Board of Examiners [2002] VSC 140* per Pagone, J

4. WHAT YOU NEED TO DISCLOSE

Your duty is to disclose any matter which might be relevant to the Board considering whether you are currently of good fame and character and are a fit and proper person for admission to the legal profession.

This means that you *must* state whether any of the matters set out in **Appendix 1** applies to you. The Board has a statutory duty to have regard to each of those matters when considering your application.

But you also need to disclose any *other* matter that might be relevant to the Board's decision about whether you are a fit and proper person for admission. Courts now clearly consider that applicants must disclose any matters relevant to the assessment of your honesty.

Unfortunately it is not possible to provide you with an exhaustive list of everything that might turn out to be relevant to assessing whether you are currently of good fame and character, or a fit and proper person for admission - and which should therefore disclose.

Generally, however, your duty is to disclosure *any* matter which does or might reflect negatively on your honesty, candour, respect for the law or ability to meet professional standards. You need to provide a full account of any such matter, including a description of your conduct (whether acts or omissions).

Avoid editing, or just selecting those matters that *you* believe *should* be relevant to the Board's decision. Rather, you need to fully disclose every matter that might fairly assist the Board or the Court in deciding whether you are a fit and proper person.

> Revealing more than might strictly be necessary counts in favour of an applicant - especially where the disclosure still carries embarrassment or discomfort. Revealing less than may be necessary distorts the proper assessment of the applicant and may itself show an inappropriate desire to distort by selecting and screening relevant facts.[7]

You should specifically disclose matters even if they are widely known or in the public domain. Do not assume that the Board will be aware of, or will inform itself of, matters that are in the public domain or which have been reported in the media or legal databases.

You will find a list of helpful dos and don'ts in item 6 below to help you decide how to frame any disclosure you need to make. Item 8 also includes further information about disclosures about your capacity.

Irrespective of whether any disclosures are made, the affidavit in support of the application must contain the following statement:

> I have read and understood the *Disclosure Guidelines For Applicants For Admission To The Legal Profession* published by the Law Admissions Consultative Committee as adopted by the Board and is published on the website of this Honourable Court. I have had regard to that in the preparation of this affidavit. Other than as is set out above, I am and always have been of good fame and character and am a fit and proper person to be admitted and I have not done or suffered anything likely to reflect adversely on my good fame and character or on whether I am a fit and proper person. I am not aware of any matter or circumstance that might affect my suitability to be admitted as a "local lawyer" and an officer of this Honourable Court.

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7 *Frugtniet v Board of Examiners* [2002] VSC 140, per Pagone J.

5. SOME EXAMPLES

The following are examples of matters which you may need to disclose in addition to the matters set out in **Appendix 1**:

(a) Social security overpayments or offences

You should disclose any overpayment to of any kind of Centrelink or social security entitlements at any time, or for any reason, whether or not you have repaid the relevant amount; or whether or not you have been prosecuted in relation to the overpayment.

(b) Academic misconduct

You should disclose any academic misconduct. You would be wise to disclose such conduct, whether or not a formal finding was made or a record of the incident was retained by the relevant organisation.

Academic misconduct includes, but is not limited to, plagiarism, impermissible collusion, cheating and any other inappropriate conduct, whereby you have sought to obtain an academic advantage either for yourself or for some other person.

(c) Inappropriate or criminal conduct

You may also need to disclose general misconduct which occurred, say, in the workplace, educational institution, volunteer position, club, association or in other circumstances, if such conduct may reflect on whether you are a fit and proper person to be admitted to the legal profession. This is so, even if the misconduct does not directly relate to your ability to practise law.

General misconduct may include, but is not limited to, offensive behaviour, workplace or online bullying, property damage, sexual harassment or racial vilification.[8]

You also need to disclose any misconduct relating to dishonesty on your part, whether or not that conduct may have amounted to an offence; and whether or not you were charged with, or convicted of an offence. This includes conduct that involved misappropriating any sort of property in any way, or making false or misleading statements of any kind.

You should disclose any criminal conviction for any offence whatsoever.[9]

You may also need to disclose any criminal charge*,* as distinct from a criminal conviction - even if the charge was subsequently withdrawn or if you were acquitted. This will, however, depend on the circumstances. If the charge did not proceed for a technical reason, such as the expiration of a time limit, you should disclose it.

On the other hand, if the charge was denied and the matter did not proceed because of an acknowledged lack of evidence, you need not disclose it, unless your underlying conduct itself warrants disclosure. You should carefully consider whether the facts giving rise to a criminal charge might reasonably be regarded as relevant when assessing your suitability for admission.

You should also carefully consider whether it might be prudent to disclose an offence, even if spent convictions legislation applies to that offence. Where spent convictions

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[8] By way of illustration, in *XY v Board of Examiners* [2005] VSC 250, Habersberger, J found that an applicant was *under a duty to* disclose that a *volunteer* position had been terminated as a *result of* making offensive remarks to a fellow worker and that she was also required to disclose property damage she had caused at a meditation retreat, notwithstanding that charges were not laid.

[9] In respect of the Northern Territory, the effect of rule 18(1) of the *Legal Profession Admission Rules* is that an offence which comes within the definition of "excluded offence" in rule 17 is not required to be disclosed. This includes certain offences under the *Traffic Act*, parking offences and offences which are spent records pursuant to the *Criminal Records (Spent Convictions) Act.* An applicant may, but need not, disclose such offending.

legislation does not apply, you should declare any offence of which you have been convicted.

At the other end of the scale, if you had dealings with police as a juvenile, such as being warned for drinking alcohol, it is likely that the Board would regard the matter as minor and you would not need to disclose it.

(d) Intervention orders and apprehended violence orders

You should declare if you are or were the respondent to a current or expired intervention order or apprehended violence order, including where an order has been applied for but not determined.

If relevant you may include copies of any order or application.

(e) Infringement Offences

You may need to declare offences resulting in a court-ordered fine or other sanction or even an administrative penalty, such as traffic or public transport offences. This is certainly necessary if the frequency or number of fines, or your failure to pay fines, could give rise to concern about your respect for the law.[10]

(f) Making a false statutory declaration

(g) Tax Offences

(h) Corporate insolvency, penalties or offences

You may need to disclose any instances of insolvency, offences or penalties relating to any company or organisation of which you were a director or responsible officer at the time.

(i) Involvement in civil litigation or proceedings

You must disclose any involvement with civil litigation or proceedings in other administrative bodies which may reflect on whether you are a fit and proper person to be admitted to the legal profession. This includes courts, tribunals, commissions, regulatory bodies or other quasi-judicial processes.

You must disclose any allegations or findings in such civil litigation or proceedings that you have contravened statutory or other civil obligations.

You must disclose circumstances in which you have been involved in an unusual volume of litigation.

You must specifically disclose any adverse findings or comments by a court or other body about the manner in which you have conducted yourself or given evidence as a litigant, witness or other participant in the legal process. It is not enough simply to disclose the fact that you were involved in the proceeding, you should identify the particular inappropriate conduct, findings or comments.

You must disclose any orders against you which have not been complied with, including any outstanding costs orders and explain why you have not complied with them.

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[10] In respect of the Northern Territory, the effect of rule 18(1) of the *Legal Profession Admission Rules* is that an offence which comes within the definition of "excluded offence" in rule 17 is not required to be disclosed. This includes certain offences under the *Traffic Act*, parking offences and offences which are spent records pursuant to the *Criminal Records (Spent Convictions) Act.* An applicant may, but need not, disclose such offending.

6. DOS AND DON'TS

A number of recent cases consider the over-arching obligation to be candid and honest when making a full and frank disclosure of something you choose to disclose. The following dos and don'ts emerge from those cases:

(a) You need to make sure that what you tell the Board is completely accurate.

(b) Check the relevant facts to ensure that your statement is not misleading. If necessary, check those facts with third parties who know about them.

(c) Even if the matter you are disclosing seems to be relatively minor, provide full and frank details to the Board. You need to include *all matters* that could be relevant to the Board's assessment.

(d) You must do this when you first make your disclosure. Don't wait for the Board to ask you for further information.

(e) Failing to make a full and frank disclosure first up may show that you do not fully understand the honesty and candour that a legal practitioner must demonstrate - even if you didn't intend to mislead or conceal information.

(f) This failure, alone, may show that you are not yet a fit and proper person to be admitted.

(g) If you deliberately or recklessly misrepresent or conceal facts relevant to your disclosure, you may not be admitted.

(h) If you are admitted after deliberately or recklessly concealing facts relevant to your disclosure, your admission may well be revoked once your deception is uncovered.

(i) Make sure that you give the Board as much information about the circumstances of the event you are disclosing as will allow it to assess the gravity of the event for itself.

(j) Give a full picture of the events and a thorough explanation of your conduct.

(k) Views can differ about what level of detail is sufficient to demonstrate honesty, candour and full and frank disclosure. The Board's view may be different from yours. If in doubt, it is wise to give more, rather than less, information.

(l) Don't seek to minimise your culpability; to deflect blame onto others; or to conceal information that may be unfavourable to you.

(m) Try to show the Board that you have insight into why and how the event occurred; that you take full responsibility for it; and why the Board can be satisfied that you will not do similar things in the future.

(n) It is not enough simply to express remorse. Because your fitness to practise is assessed at the time you make your application, you need to show the Board that what you have done to redeem yourself, or to rehabilitate yourself since the event occurred. It is not enough to show that you understand that your past conduct was wrong. You need to demonstrate to the Board that you understand why it was wrong and what you should have done differently or would do differently in the future.

(o) You may need to produce independent evidence from others to show that you are now a fit and proper person. Your own assertions may not be enough.

(p) If you can show the Board the active steps you have taken to rehabilitate yourself, this may demonstrate that you have appreciated the gravity of your conduct, have accepted responsibility for it, have taken steps to rehabilitate yourself, and understand the obligation of honesty, candour and full and frank disclosure.

(q) If, however, your past conduct was very serious or involved extreme dishonesty, it may be hard to convince the Board that you are a fit and proper person to be admitted.

7. CERTIFICATES OF CHARACTER

Please also note that any person who supplies a certificate of character to support an application:

(a) must be aware of any disclosure of the type mentioned above that is made by the applicant; and

(b) must attest to that knowledge in the person's certificate of character.

Because of the privacy implications of disclosures about your capacity, a person who supplies a certificate of character need not be aware of any disclosure about your capacity: see item 8.

8. DISCLOSURES ABOUT CAPACITY

8.1 What the law says

The Board is also required to consider whether, at the time of making an application, the applicant is able to carry out the inherent requirements of legal practice.

The requirement of capacity is separate and distinct from the requirement to be a fit and proper person or of good fame and character.

The Legal Profession Act and the Legal Profession Admission Rules (and the corresponding Acts and Rules in all other Australian jurisdictions), variously describe matters relating to an applicant's capacity about which the Board must satisfy itself, in the following ways -

(a) whether the person is currently unable satisfactorily to carry out the inherent requirements of practice as an Australian legal practitioner;[11]

(b) whether the person currently has a material inability to engage in legal practice.[12]

Further, in deciding whether you are a fit and proper person, the Board and most other Admitting Authorities also have power to have regard to any other matter it considers relevant, in addition to each of the matters particularly prescribed by legislation.[13]

Your precise obligation thus depends on the relevant legislation in the jurisdiction in which you seek admission.

Note, however, that apart from making disclosures which respond to the particular legislative requirement relevant to an applicant's capacity, it would be sensible for you to disclose any other matters which the Board might think relevant when assessing your current capacity to engage in legal practice.

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11 *Legal Profession Act 2006* (ACT) section 11(m); *Legal Profession Act 2004* (NSW) section 9(m); *Legal Profession Act* 2007 (Qld) section 9(1)(m); *Legal Profession Act 2007* (Tas) section 9(m); Uniform Admission Rules 2015 (NSW & Vic) rule 10(1)(k)

12 *Legal Profession Act* (NT) section 11(1)(m)

13 *Legal Profession Act 2006* (NT) section 30(1)(b); *Legal Profession Act 2006* (ACT) section 22(2); *Legal Profession Act 2007* (Tas) section 26(1)(b); *Legal Profession Act 2004* (Vic) section 2.3.3(1)(b); *Legal Profession Act 2008* (WA) section 22(1)(b). Section 31(2)(b) of *the Legal Profession Act 2007* (Qld) and section 17(2)(a) of the *Legal Profession Uniform Law* (NSW & Vic) are in similar, though not identical, terms.

8.2 What the Board does

The Board has a positive, encouraging approach to people seeking admission who experience mental, physical or other health conditions or disabilities. It wishes to ensure that such people are assisted, encouraged and supported to seek admission and to engage in legal practice.

It encourages people to seek medical or psychological help before seeking admission and, indeed, whenever they feel the need. Willingness to seek help counts in one's favour. Seeking early help can both demonstrate appropriate insight into one's condition or disability and also avert the risk of conduct that could become relevant to one's suitability for admission. Seeking psychological or medical help will not, of itself, prejudice one's ability to be admitted. Similarly, telling the Board about the circumstances underlying the help received will not, of itself, prejudice one's ability to be admitted. On the contrary, it may show that one has appropriate strategies to deal with any stresses that arise in the course of legal practice; and that any former difficulties have been overcome.

If you happen to have, or to have experienced in the past, a mental, physical or other health condition or disability -

(a) you are encouraged to obtain medical or psychological help if you feel you need it; and

(b) that condition or disability, or the fact that you have sought or are seeking to obtain help, will not necessarily prejudice your application for admission; but

(c) the Board is likely to consider that any behaviour or conduct arising from, or attributable to, that condition or disability is relevant, and should therefore be disclosed.

The Board's task is to determine if you are currently able to carry out the inherent requirements of practice. It will do this in the light of any disclosures made and any supporting information you choose to provide.

Any mental, physical or other health condition or disability which you have, or may have had in the past, will only be relevant if it affects your current ability to carry out the inherent requirements of practice.

Except for the purposes of the administration of its relevant legislation, or as otherwise required by law, the Board will not disclose to others (including any prospective employer) any personal or medical evidence that you disclose to it. In order to further protect your privacy, you may make any disclosure about capacity in a separate affidavit lodged with your application.

8.3 When a health condition may be relevant

(a) Very occasionally, *the mere existence* of a health condition or disability may directly affect your current ability to carry out the inherent requirements of practice. For example, if you earlier had a car accident, or an illness, that means the you are no longer able to remember instructions which you are given, you may not currently be able to carry out the inherent requirements of practice. You need to disclose any such difficulties to the camp board.

(b) Sometimes your past conduct (whether by act or omission) might raise questions about whether you are currently able to carry out the inherent requirements of practice. Repeated instances of certain conduct might cast doubt on your insight, or ability to make sound judgments. You need to disclose any such conduct to the Board.

(c) If you think that conduct might be wholly or partly explained by, or associated with, some physical, mental or other health condition or disability (whether diagnosed or not), you can choose to disclose that condition or disability; and may provide any supporting medical evidence that might assist the Board to decide whether you are currently able to carry out the inherent requirements of practice. Such information may well explain the reasons underlying the conduct; and demonstrate that the underlying cause has been effectively dealt with or appropriately managed.

(d) If you seek to demonstrate that their condition or disability is appropriately managed and stable, a certificate to that effect from one or more of your treating medical

practitioners would greatly assist the Board.

8.4 Examples

The following examples are merely indicative illustrations. The Board responds to the particular circumstances of each application. The examples cannot thus be considered as binding on the Board.

(a) S found first year law very difficult. She wasn't prepared for the work required, and found it hard to meet all deadlines. As she had always done well at school, she was surprised that her law school marks were always bare passes. She became anxious about her capacity, and questioned whether she should be doing law.

On the recommendation of a lecturer, she attended the University's counselling service. The counsellor helped her to recognise the causes of her anxiety; advised her how to manage those causes; and recommended that she should attend a mindfulness course. After working with the counsellor, and undertaking the mindfulness course, S still felt stressed about law school. Having learned how to manage her stress appropriately, however, she successfully completed her law course and PLT course.

S would not need to disclose these circumstances to the Board.

(b) P comes from a family with a history of severe depression and has suffered depression for many years, attempting suicide on several occasions. He managed to get through his law course with difficulty, often requiring substantial special consideration to complete assessments and examinations. He has completed an on-line PLT course, but his depression persists. It severely affects his ability to engage in daily activities; and he often finds that he is unable to get out of bed in the morning.

P would need to disclose his difficulties to the Board, as they raise questions about whether he is *currently* able to carry out the inherent requirements of practice. Disclosing his condition to the Board does not necessarily mean that he would not be admitted, however. The Board would probably wish to know whether, and if so how, his present difficulties might be overcome or managed. It would be sensible for P to answer these questions in his initial disclosure, rather than waiting to be asked for further information by the Board.

(c) M enjoyed the early years of his law course and was doing well. In his third year, however his mother was diagnosed with a serious illness and died late in the year. M was her primary care-giver during her illness and was devastated by her death. He failed several subjects that year, because of the stress of nursing his mother and his inability to talk about his circumstances with others, and obtained special consideration.

Subsequently, however, he became depressed and stopped attending law school. He consulted his GP who diagnosed depression and assisted him to undertake a series of treatments. M found that a combination of medication and counselling helped him regain his equilibrium. He re-enrolled and successfully completed both law and a PLT course. He no longer requires either medication or counselling.

M would not need to disclose these circumstances to the Board.

(d) During his law course, T developed delusions that his teachers were conspiring to have him removed from the law school. He wrote angry, hostile emails to law school and university staff, and alleged serious misconduct and mistreatment on their part to a number of authorities.

When several internal University investigations found no proof of his allegations, he became convinced that the conspiracy was widespread. Several University disciplinary actions followed in response to his behaviour, one of which referred him to his GP who, in turn, referred him to a specialist who diagnosed paranoid schizophrenia.

T would need to disclose the activities which preceded his reference to his GP. Given the seriousness of his diagnosis, it would also be prudent for T to declare that condition and how it is being treated and managed, as each of these matters reflect on whether

he is *currently* able to carry out the inherent requirements of practice.

Disclosing his condition and treatment to the Board does not necessarily mean that he would not be admitted, however. The Board would need to know whether, and if so how, his present difficulties are being overcome or managed.

9. MATTERS PRESCRIBED BY *LEGAL PROFESSION ACT 2006*

You must disclose any matter relevant to your suitability prescribed by the *Legal Profession Act (NT) 2006* as set out in **Appendix 1**.

10. FORM OF DISCLOSURE

Any disclosure which you are required to make must be included either in your affidavit or, in the case of a disclosure about capacity, in a supplementary affidavit, if you prefer. Each disclosure should be supported by any available supporting documents, to corroborate the disclosure. Each such document should be made an annexure to the affidavit.

APPENDIX 1

SUITABILITY MATTERS PRESCRIBED BY THE *LEGAL PROFESSION ACT (NT) 2006*

The following is an extract of section 11(1) of the *Legal Profession Act (NT) 2006,* which prescribes what are "suitability matters."

As noted in items 4 and 9 of the Guidelines, the Board is required to satisfy itself about each of the following matters in relation to each applicant. Accordingly an applicant needs to disclose anything that the Board might consider relevant when satisfying itself about each of these matters.

11 Suitability matters

(1) Each of the following is a suitability matter in relation to an individual:

(a) whether the person is currently of good fame and character;

(b) whether the person is or has been an insolvent under administration;

(c) whether the person has been convicted of an offence in Australia or a foreign country, and if so:

(i) the nature of the offence; and

(ii) how long ago the offence was committed; and

(iii) the person's age when the offence was committed;

(d) whether the person engaged in legal practice in Australia:

(i) when not admitted, or not holding a practising certificate, as required under this Act or a previous law of this jurisdiction that corresponds to this Act or under a corresponding law; or

(ii) if admitted, in contravention of a condition on which admission was granted; or

(iii) if holding an Australian practising certificate, in contravention of a condition of the certificate or while the certificate was suspended;

(e) whether the person has practised law in a foreign country:

(i) when not permitted by or under a law of that country to do so; or

(ii) if permitted to do so, in contravention of a condition of the permission;

(f) whether the person is currently subject to an unresolved complaint, investigation, charge or order under any of the following:

(i) this Act or a previous law of this jurisdiction that corresponds to this Act;

(ii) a corresponding law or corresponding foreign law;

(g) whether the person:

(i) is the subject of current disciplinary action, however expressed, in another profession or occupation in Australia or a foreign country; or

(ii) has been the subject of disciplinary action, however expressed, relating to another profession or occupation that involved a finding of guilt;

(ga) whether the person has been found to have engaged in academic dishonesty (including, for example, plagiarism);

(h) whether the person's name has been removed from:

(i) a local roll, and has not since been restored to or entered on a local roll; or

(ii) an interstate roll, and has not since been restored to or entered on an interstate roll; or

(iii) a foreign roll;

(i) whether the person's right to engage in legal practice has been suspended or cancelled in Australia or a foreign country;

(j) whether the person has contravened, in Australia or a foreign country, a law about trust money or trust accounts;

(k) whether, under this Act, a law of the Commonwealth or a corresponding law, a supervisor, manager or receiver, however described, is or has been appointed in relation to any legal practice engaged in by the person;

(l) whether the person is or has been subject to an order, under this Act, a law of the Commonwealth or a corresponding law, disqualifying the person from being employed by, or a partner of, an Australian legal practitioner or from managing a corporation that is an incorporated legal practice;

(m) whether the person currently has a material inability to engage in legal practice.

(2) A matter is a suitability matter even if it happened before the commencement of this section.