

PUBLIC NOTARY SUITABILITY

Sections 5(5) and (6) of the *Public Notary Act 2001* permits the Victorian Legal Admissions Board to make enquiries and require any further evidence as the Board thinks fit. The longstanding practice in Victoria is that a certificate of eligibility must show that a person is of good fame and character and a fit and proper person. For the purpose of considering whether a person is a fit and proper person an applicant must disclose anything that the Admitting Authority might consider relevant when considering an applicant's suitability. In addition, the Board's expectation is that full disclosure be made regarding the following:

S. 5(4A)

In determining whether an applicant is a fit and proper person to be a public notary, the Victorian Legal Admissions Board must have regard to-

- a) whether the applicant has ever been suspended from practice; and
- b) Whether the applicant has been found guilty of either the following within the meaning of the Legal Profession Uniform Law (Victoria)-
 - (i) Professional misconduct; or
 - (ii) Unsatisfactory professional conduct; and
- c) whether the applicant has been found guilty of either of the following under a corresponding law within the meaning of the Legal Profession Uniform Law (Victoria)-
 - (i) professional misconduct; or
 - (ii) unsatisfactory professional conduct; and
- d) whether the applicant is being investigated for a complaint containing a disciplinary matter-
 - (i) within the meaning of the Legal Profession Uniform Law (Victoria); or
 - (ii) under a corresponding law within the meaning of that Law."