

Judgment Summary

Supreme Court
Australian Capital Territory
Court Of Appeal
Full Court

Ezekiel-Hart v Law Society (ACT) [2026] ACTSCFC 3

McCallum CJ, Mossop and Collier JJ

The Court of Appeal and Full Court of the Supreme Court has struck a practitioner (the Lawyer) from the roll and refused leave to appeal from ACAT and Supreme Court interlocutory orders.

The Court heard three related matters:

- The Full Court was convened to hear an application for the removal of the Lawyer from the roll of legal practitioners pursuant to a recommendation from the ACAT (the Roll Application).
- The Court of Appeal was convened to hear an application for leave to appeal from a decision of the Supreme Court which dismissed the Lawyer's attempt to strike out the Roll Application (the SC Appeal).
- The Full Court also heard the Lawyer's application for leave to appeal from the ACAT decision which underlay the Roll Application (the ACAT Leave Application).

The Lawyer was declared a vexatious litigant on 2 February 2024, which meant that the Lawyer needed leave pursuant to s 67A of the *Supreme Court Act 1933* (ACT) to commence "proceedings". Whether "proceedings" included the SC Appeal and the ACAT Leave Application was an issue before the Court. The Lawyer argued that, as a matter of statutory interpretation, "proceedings" in s 67A should be read down to not include applications alleging an abuse of process to prevent inconsistency with the right to a fair trial contained in the *Human Rights Act 2004* (ACT) and the statutory right of review within *ACT Civil and Administrative Tribunal Act 2008* (ACT). The Court rejected these arguments, holding that s 67A imposes a reasonable and proportionate limitation on the right to a fair trial and was thus permissible under the *Human Rights Act*, and that the ACAT Act does not disclose a legislative intention that appeals to the ACAT are exempt from the operation of s 67A of the SC Act.

Having determined that s 67A applied to the SC Appeal and ACAT Leave Application, the Court dismissed both applications, holding that the contemplated proceedings had insufficient merit and would involve a substantial re-agitation of matters already decided.

Concerning the Roll Application, the Court noted it was bound by the factual findings of the ACAT but had to determine for itself whether the Lawyer was a fit and proper person to practice. Reviewing ACAT's findings, the Court considered whether the Lawyer had the requisite honesty, knowledge, and ability to adequately discharge the responsibilities of an officer of the Court. Notwithstanding the positive aspects of the Lawyer's character and his contributions to the community, the Court found that his honesty was impugned by repeated, unsubstantiated allegations of serious misconduct against fellow practitioners, the Law Society and its officers. The Court also identified continuing deficiencies in the Lawyer's approach to legal practice and litigation, and that the Lawyer appeared to have no genuine insight into his impugned conduct. Ultimately, the Court concluded that the Lawyer's unfitness was indefinite and consequently removed the Lawyer's name from the roll.

This summary has been prepared for general information only. It is not intended to be a substitute for the judgment of the Court or to be used in any later consideration of the Court's judgment.

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