

**IN THE INDEPENDENT
LEGAL SERVICES COMMISSION**

No. 002of 2016

BETWEEN:

VILIMONE VOSAROGO (AKA FILIMONI WR VOSAROGO)

Applicant

AND:

CHIEF REGISTRAR

Respondent

Coram: Dr. T.V. Hickie, Commissioner

Counsel for the Applicant: Ms. B. Malimali (with Mr. Vosarogo)

Counsel for the Respondent: Mr. A Chand

Date of Hearing: Wednesday, 14th June 2017 at 4.30pm (approximately)

Date of Judgment: Wednesday, 14th June 2017 at 5:05pm

EX TEMPORE RULING
ON
ORAL APPLICATION
FOR
CONTINUATION OF INTERIM PRACTISING CERTIFICATE TO THE
LEGAL PRACTITIONER
BY THE CHIEF REGISTRAR'S OFFICE

- [1] I have considered the submissions of both sides.
- [2] I feel at this stage it would be inappropriate for me to grant an interim practising certificate. I need to go back to Australia and consider all the submissions on the substantive matter. I do, however, want both parties to know, that I will be mentioning this matter again at the beginning of the Sittings on the 18th of September 2017.
- [3] It is a matter for Mr. Vosarogo, but, I'll be encouraged in my decision when I will hand down the judgment during those Sittings, if he has been able to do a course on trust

account management. I am not saying, and it may well be (as Mr. Chand said) that if it has not been done then I will consider making it part of an Order, but it may well show Mr. Vosarogo's understanding further to me and affect the Orders that I make in the final judgment if he has undertaken such a course.

- [4] So at this stage, even though what I have said in the other interim matters, citing the *Cevalawa* matter, and the issue of me being away and sitting part-time, the problem is here, even if I was fulltime in Fiji, on a final judgment, this would not be done quickly.

[See the ex tempore ruling of Commissioner Connors in *Chief Registrar v Siteri Adidreu Cevalawa*, (Unreported, ILSC Case No. 006/2011, 7 October 2011; applied in *Chief Registrar v Vosarogo and Vodo*, (Unreported, ILSC Case Nos. 002 and 2003 of 2016, 23 September 2016); PacLII: [2016] FJILSC 6, <<http://www.pacii.org/fj/cases/FJILSC/2016/6.html>> ; *Chief Registrar v Vosarogo and Vodo*, (Unreported, ILSC Case Nos. 002 and 2003 of 2016, 6 February 2017); and *Chief Registrar v Vakaloloma* (Unreported, ILSC Case No. 004 of 2017, 14 June 2017.)]

- [5] This would take me some time, even if I were here fulltime, because it is going to set some form of precedent for a number of matters to do with trust accounts. Some of the other cases have taken place apparently - that Ms. Malimali has given me - some years ago. I have also noted those New Zealand cases that she has given me as well as the Australian cases that Mr. Chand has given me. But as I need the time to consider all of this, it would be inappropriate for me to actually grant the interim practicing certificate today.
- [6] As I said, I will be mentioning the matter on the 18th of September 2017 and then, from there, depending on what has happened, I will hand down a judgment during the September 2017 Sittings. It may well be that I grant a restricted practising certificate. To be fair, that Mr. Vosarogo will have already been by then some nine months off the Roll plus had a restricted practising certificate for 10 months, I'll take that into account. But I just cannot grant an interim practising certificate today. That is my Ruling.

[5] The formal Order of the Commission is:

ORDER

1. The Oral Application made on behalf of VILIMONE VOSAROGO (AKA FILIMONE WR VOSAROGO) for the issuing of an interim practising certificate to him is refused.

Dated this 14th of June 2017.



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Dr. Thomas V. Hickie
COMMISSIONER

(This ex tempore ruling delivered orally on 14th June 2017 was later typed and signed by the Commissioner on 26th June 2017)

AND THE COMMISSIONER NOTES:

Following the above Ruling, Counsel for the parties asked that there be a separate Order signed by the Commissioner allowing Mr. Vosarogo to appear in Court only for the purpose of withdrawing as Counsel or informing the Court of the situation and not proceeding or taking an adjournment date. The Commissioner agreed to that joint request. A separate Order was then drafted by the parties and signed by the Commissioner to that effect on 14th June 2017.