

A Solicitor v Chief Registrar (No 1)
ILSCJ06/2017; [2017] FJILSC 5 (18 April 2017)

This summary is not intended to be a substitute for the reasons of the Independent Legal Services Commission or to be used in any later consideration of the Commission's reasons

Facts

The applicant (a legal practitioner) was seeking to have their name be suppressed from mention in the judgment of Commissioner Mr Justice P K Madigan, made on 25 November 2015 (ILSC Case No. 013 of 2015), due to references therein to the legal practitioner's medical condition. Thus, the issue in this case was whether the Commission had the power to make orders restricting the publication of and access to the 2015 judgment.

Judgment

The Commissioner emphasised that the 'primary objective of the Commission is to safeguard the public combined with there being a public interest in open justice'. Nonetheless, the Commissioner held that the 2015 judgment would not be published on the website of the Pacific Islands Legal Information Institute ('PacLII'). He further declared that:

1. should PacLII be restructured to either become an Institute of the University of the South Pacific or any other new entity, the 2015 judgment would not be published on those websites; and
2. there would a prohibition on any publication, disclosure and/or public dissemination of the 2015 judgment and/or any information that would reveal or would likely to reveal the identity and/or the medical condition of the applicant.

Subsequently, it was concluded that if any person wished to have access to the Commission's file in Case No. 013 of 2015, they must first obtain an order from the Commission granting them access. However, the Commissioner ordered that the applicant's name would remain on "Discipline Register" maintained by the Independent Legal Services Commission, in accordance with the requirements set out in section 126(2)(a) of the *Legal Practitioners Act 2009*.