LP NO. 1/21

IN THE MATTER	of Part III of the Law Practitioners' Act 1993-94
AND IN THE MATTER	of a complaint alleging professional misconduct
BETWEEN	**COOK ISLANDS LAW SOCIETY**
	Complainant
AND	**WILKIE OLAF PATUA RASMUSSEN**, of Rarotonga, Barrister and Solicitor
	Respondent

Appearances: Mr B Mason for Mr WOP Rasmussen

Date of Judgment: 20 January 2022

DECISION (NO.1: LIABILITY) OF HUGH WILLIAMS, CJ

[0222.dss]

[1] There will be a finding under s 15(2)(d) of the Law Practitioners' Act 1993-4 that Mr Rasmussen, having been convicted of offences punishable by imprisonment for terms exceeding one year on the dates, times and in the circumstances appearing in this decision, and the Chief Justice being of the opinion that those convictions reflect on Mr Rasmussen's fitness to practice as a barrister and solicitor of this Court and tend to bring the legal profession into disrepute, Mr Rasmussen is found guilty of misconduct in his professional capacity.

[2] Pursuant to the powers in ss 15(3) & 16 of the Act, there will be an inquiry to decide on the penalty to be imposed on Mr Rasmussen which is to take place and be conducted as set out in paragraphs [35] and [36] of this decision.

[3] Publicity of professional misconduct decisions being discretionary, at this stage distribution of this decision is restricted to Mr Rasmussen, his immediate family, his counsel, Mr Mason and members of the Council of the Cook Islands Law Society with any notification of the same beyond those persons only being by leave.

Introduction

[1] On 18 August 2021 the abovenamed Wilke Olaf Patua Rasmussen was convicted by Justice Woodhouse on two counts of indecent assault (in relation to which, at the conclusion of a Judge Alone trial, the Judge had found the charges proved) and one count of attempting to pervert the course of justice, to which Mr Rasmussen had pleaded guilty. He was fined $2,500 on each of the indecent assaults, (with half the amount to be paid as compensation to the victim) and fined a further $2,000 on the attempting to pervert the course of justice charge.

[2] Mr Rasmussen has, for a considerable period of time been an enrolled Barrister and Solicitor of this Court and has practised as a lawyer, or worked in legally-related positions, for a number of years, both in New Zealand and in the Cook Islands.

[3] Section 15(1)(2) of the Law Practitioners' Act 1993-94[1] relevantly reads:

> 15. Complaints of professional misconduct – (1) Any complaint by any person about the conduct of a practitioner or an employee of a practitioner in his professional capacity may be made to the Registrar, who shall forthwith forward the complaint, together with such comments as he thinks fit in relation to the complaint, to the Chief Justice.
> (2) Where the Chief Justice receives such a complaint or has reasonable cause to suspect that a practitioner who is or was a member of the Society has in his professional capacity been –
> (a) guilty of misconduct; or
> (b) guilty of conduct unbecoming a barrister and solicitor or a barrister; or
> (c) negligent or incompetent, and that the negligence or incompetence has been of such a degree or so frequent as to reflect on his fitness to practise as a barrister and solicitor or barrister only, as will tend to bring the profession into disrepute; or
> (d) convicted of an offence punishable by imprisonment for a term exceeding one year[2], and is of the opinion that the conviction reflects on his fitness to practise as a barrister and solicitor or barrister only, or tends to bring the profession into disrepute;

[1] "the Act".
[2] Each of the offences on which Mr Rasmussen was convicted carries a maximum term of imprisonment of 7 years.

> the Chief Justice shall, unless he is of the opinion on reasonable grounds that the complaint is frivolous or vexatious, require from the practitioner such written explanation, within such time as the Chief Justice thinks fit.

[4] Section 29(4) of the Act relevantly reads:

> 29. The Law Society – …
> (4) The Society shall have the functions of providing for the welfare of the profession in the Cook Islands, and without limiting the generality of the foregoing, shall promote and encourage proper conduct among the members of the legal profession, suppress illegal, dishonourable, or improper practices … and generally to protect the interests of the legal profession and the interest of the public in relation to legal matters and to do all things that appear to the Society to be necessary or beneficial to the profession or its members or to the Cook Islands generally, including … assist in the investigation of charges of professional misconduct against any practitioner, and take such action thereon as may seem proper.

[5] On 18 June 2021, the Cook Islands Law Society[3] acting, commendably, under s 29(4), brought to the Chief Justice's attention that at that stage Mr Rasmussen had been found guilty – though not then convicted – by Justice Woodhouse on the indecent assault charges.

[6] On 10 September 2021, after expiry of the time for appealing either the convictions or the sentence[4] the Chief Justice wrote to Mr Rasmussen[5] seeking an explanation from him under s 15(2)(d) concerning the complaint and the convictions, with Mr Rasmussen being given one month from receipt of the letter to furnish that explanation.

[7] On 16 November 2021[6] Mr Mason, counsel for Mr Rasmussen, filed the required explanation and made submissions concerning an appropriate penalty.

[8] By Minute dated 14 December 2021 Mr Mason was invited to submit a curriculum vitae for Mr Rasmussen and comments were made concerning Mr Rasmussen's tenure of the office of Notary Public. A curriculum vitae, together with Mr Mason's further submissions, was filed on 28 December 2021[7].

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3 "CILS"
4 No appeal was filed.
5 Not forwarded, through oversight, until 18 October 2021 (NZT).
6 Received by Chief Justice on 11 December 2021 (NZT).
7 Received by Chief Justice on 29 December 2021 (NZT).

Circumstances of offences

[9] In his sentencing notes, Justice Woodhouse first advised Mr Rasmussen that he did not intend to imprison him for the offences but that his remarks were "not to be taken as diminishing the relative gravity of the two indecent assault offences or the offence of attempting to pervert the course of justice"[8]. The Judge continued:

> [5] You are a lawyer, or you were until very recently practising as one.
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> [6] In July 2020 you were at Court for a client. The victim of the indecent assaults, who I will call "X", was at the Court to support your client. Your client is her nephew. X was 22 at the time. You were 62. You asked X to wait for you when the case finished, which she did. At the end of the case, you asked her to go with you to your office. You did not explain to her why you wanted her to go to the office. She went willingly, thinking you wanted to talk about her nephew. At the office, you in fact asked her if she would have sex with you. There were various statements by you to that end, including an offer of money. She rejected, and quite clearly rejected, your advances which you continued orally or verbally. You then put your hand on her leg and kissed her, forcing your tongue into her mouth. She pushed you off and tried to leave. You grabbed her coat and forced your tongue into her mouth again. She pulled away and she left. The offending, in terms of your acts, ended at that point. The consequences for her continued.
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> [7] The two assaults, which in substance were a single event, probably lasted no more than about a minute. And I would say at this point, in relation to facts, and much else relating to the indecent assault offences, you pleaded not guilty and elected trial by Judge alone and I was the Judge who presided at your trial.
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> [8] The attempt to pervert the course of justice, the remaining offence, occurred on 12 October 2020. That is three months after the indecent assault charges were laid. You went to the Court registry to deal with some land matters, and I apprehend from the submissions for the Crown that it is accepted that you went to the Court on that occasion purely to deal with your legal business.
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> [9] The Court officer who dealt with you is an aunt of X. You asked the aunt, and seemingly opportunistically, if you could talk to her outside the Court house on a personal matter. She agreed. Outside, you asked her if she could speak to X about dropping the indecent assault charges. You also told her that you would defend yourself and, if successful, you would sue X.
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> [10] The agreed statement of facts to which you pleaded guilty records that your behaviour in your conversation with the aunt was normal – that is the

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[8] At [3].

> word used I think. The aunt said she would try and talk to her niece, but that she did not think that it would be helpful because of the no drop policy of the Police and because the matter was serious. That, Mr Rasmussen, is the extent of your attempt. The aunt did not raise the matter with X. She did raise it with Crown counsel and the charge of attempting to pervert the course of justice followed.
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> [11] I am bound to take account of the impact – the effect – of your offence on X and I have a victim impact statement from her. X did not sustain any physical injury, but she did suffer material emotional and psychological, or mental, harm. From the evidence I heard, and which I accepted, X was plainly distressed by the assault on the day of the incident and I am sure the impact of what you did continued for an extended period. Notwithstanding a submission from Mr Mason, it is not something that X is going to forget. X's own statement, however, indicates that the biggest impact on her was coping over the period of almost a year before the trial was finished. As she put it in her victim impact statement, in part, and I quote: "In a way during this time I was broken mentally and emotionally and now I feel all the stress, struggle and burden being lifted from my shoulders". It is perhaps fortunate for you, Mr Rasmussen, that she has that mental and emotional fortitude to look forward positively now; to positive things in her life.

[10] The Judge's sentencing notes then reviewed personal matters relating to Mr Rasmussen,[9] considered a number of New Zealand and Cook Islands' decisions submitted as precedents, said the starting point for sentencing should be imprisonment, noted Mr Rasmussen's remorse and his surrender of his practising certificate as a barrister and solicitor[10]. He summarised five factors bearing on the appropriate sentence on the attempt to pervert the course of justice charge[11] gave him credit for his guilty plea and said he agreed with counsel that the charge was "opportunistic, ill-conceived, badly executed and not pursued by you any further"[12].

Submissions

[11] While it is conceivable that Mr Rasmussen's conduct may also have breached s 15(2)(a)(b), the CILS's complaint, sensibly, centred around s 15(2)(d), as did Mr Mason's submissions.

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9 Later detailed.
10 At [25]-[27].
11 At [29]-[33].
12 At [34].

[12] In those submissions, Mr Mason accepted that Mr Rasmussen's convictions fulfilled the initial portion of s 15(2)(d). He therefore focussed on whether the convictions reflected on Mr Rasmussen's fitness to practice as a barrister and solicitor or a barrister or tended to bring the profession into disrepute. He advised that Mr Rasmussen accepted both were satisfied in this case[13].

[13] The CILS complaint noted the considerable media attention given Mr Rasmussen's charges and convictions and advised that it had received a number of enquiries, both from its members and from the public, on the steps the Law Society should take in respect of the matter. The Society also drew attention, in relation to Mr Rasmussen's fitness to practice, to clause 1 of the Code of Ethics[14]; namely that:

> "A practitioner shall at all times maintain the honour and dignity of his profession. He shall, in his practice, abstain from any behaviour which may tend to discredit the profession".

[14] No precedent being cited from the Cook Islands, Mr Mason referred to New Zealand cases, including *Daniels v. Complaints Committee 2 of the Wellington District Law Society*[15] and *Auckland Standards Committee 1 of the New Zealand Law Society v. Robyn Philippa Joy Rendall*[16] and, in relation to the attempted perversion charge, *R v. Taffs*[17]. However, while *Daniels* and *Rendall* contain helpful comments of general principle, their influence as to the appropriate professional misconduct penalty to impose on Mr Rasmussen is diminished by the fact that suspension from holding a practising certificate is an available penalty in New Zealand but is absent from s 20, the section in the Act prescribing the available penalties for breach of s 15(2). It is, however, accepted that the general principles from those cases are relevant, namely that the predominant purpose is not punishment but protection of the public by the maintenance of professional standards; that there is a need to impose sanctions on a practitioner for breach of those standards, including providing rehabilitation in appropriate cases; and that decisions should adopt the lesser alternative if more than one is available. The end

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13 At 14-15.
14 Applying to all legal practitioners in the Cook Islands and given statutory force by s 57(1) of the Act.
15 [2011] 3 NZLR 850.
16 [2018] NZLCDT 32.

test is whether a practitioner is a fit and proper person to continue practising, (though that tends to disregard the alternative bringing the profession into disrepute limb of s 15(2)(d)).

[15] In *Daniels,* the practitioner had undertaken to cease practice but the Court of Appeal held that "it will not always follow that a practitioner by disposing of his practice and undertaking not to practice can avoid or pre-empt an order for suspension … the wider general deterrent function of orders for suspension or other stern sanctions remain relevant. Other members of the profession must know that similar misconduct will bring a stern response from the disciplinary body"[18].

[16] In *Taffs,* the practitioner, when acting for a defendant, telephoned the mother of the complainant the night before the hearing, and made threatening remarks, coupled with the suggestion that the complainant not give evidence or only give false identification evidence. The client was found guilty. Taffs was convicted of attempting to pervert the course of justice. For the Court of Appeal Lord Cooke said[19]:

> "…The Judge fined the accused $5,000 – on its face a sufficient penalty in the particular circumstances for an offender without substantial means. We were told that after the conviction the District Law Society required the accused to undertake not to practice pending the present appeal, indicating that disciplinary proceedings were contemplated. While such proceedings are entirely a matter for the Law Society in the first instance, and while the accused's conduct deserves censure, it may perhaps be of some help to the Society to say that, on such knowledge of the facts as this Court has (which may of course be incomplete), the accused acted in a hasty and ill-considered way, for which he has now been appropriately punished, bearing in mind that for a period he has had to abstain from practice. The facts of this particular case do not suggest that any further penal action, by way of future deprivation or restriction of his right to practise or monetary penalty, is necessary in the public interest."

[17] In relation to the indecent assault charges, Mr Mason submitted that Mr Rasmussen had fully accepted his wrongdoing, the offending was not ongoing, the victim was not a client, and Mr Rasmussen did not suggest the victim might in any way be to blame. He noted that Mr Rasmussen had surrendered his practising

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17 [1991] 1 NZLR 69, CA.
18 At [25], [39].

certificate as a mark of his contrition and written an unqualified apology to the victim. He also relied on Mr Rasmussen's unblemished record as a lawyer and his public service to the CILS and to the Cook Islands generally.

[18] In relation to the attempted perversion conviction, Mr Mason emphasised Justice Woodhouse's comments earlier recorded and, relying on *Taffs*, submitted striking off would be too harsh a penalty. He concluded:

> 30. It is accepted by Mr Rasmussen that there is no excuse for his conduct. That is why he surrendered his practising certificate and represented to the Court that his days in the practice of law are now over. Mr Rasmussen said he wishes to return to his home island of Penrhyn to live.
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> …
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> 32. There has been nothing in the media or elsewhere to suggest the public feels that Mr Rasmussen has "got off lightly" or had a "free ride" or in any other manner that there has been a loss or diminution of confidence in the profession.
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> 33. It is accepted that surrendering the practising certificate and ending the practise of law will not per se lead a tribunal not to strike off or suspend but it is submitted the facts in this case allow you considerable discretion in particular because the offending was in each case at the low end (albeit serious offences) and Mr Rasmussen's actions from the time the convictions were entered against him have indicted [sic: indicated?] a full recognition of, and remorse for, his wrongdoing which is so fundamental to whether he may be trusted in the future as a practitioner. The charges he faced reflected far more on him personally than they did on the profession as his offending, egregious though it was, did not involve a client or a client's funds, (although Mr Rasmussen does not seek to submit that his was not conduct in his professional capacity).
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> 34. It is accepted that at a minimum Mr Rasmussen must be censured but it is also submitted the armoury of options set out in section 20 of the Law Practitioners' Act 1993-94 are sufficiently broad to allow you to impose a penalty that is short of striking off, and on the basis that if there is an alternative to striking off that option should be followed, you may do so.

Discussion and Decision

[19] Section 20, the section prescribing the penalties for professional misconduct, was re-enacted in 2008 by the Law Practitioners' Amendment Act 2008. It relevantly reads:

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[19] At [34].

20. Penalty and costs – if after inquiring into the conduct of a practitioner the Chief Justice is satisfied that the practitioner is guilty of any of the matters set out in paragraphs (a) to (d) of section 15(2), the Chief Justice may make one or more of the following orders –

(a) that the name of the practitioner be struck from the roll of barristers and solicitors, or the roll of barristers, or both;
(b) censuring the practitioner;
(c) that the practitioner shall cease to accept work, or to hold him or her self out as competent in such fields or practice, and for such period or periods as are specified in the order;
(d) that the practitioner do for any specified person such work within such time and for a fee not exceeding such sum as is specified in the order;
(e) where it appears to the Chief Justice that any person has suffered loss by reason of any act or omission of the practitioner, that the practitioner pay to that person such sum of money by way of compensation as is specified in the order, being a sum not exceeding $5,000;
(f) that the practitioner reduce his or her fees for any work done by the practitioner that is the subject of a complaint before the Chief Justice by such amount as is specified in the order and, for the purposes of giving effect to the order, to refund any specified sum already paid to him or her;
(g) that the practitioner make his or her practice available for inspection at such times and by such persons as are specified in the order;
(h) that the practitioner to make reports on his or her practice in such manner and at such times and to such persons as are specified in the order;
(i) that the practitioner take advice in relation to the management of his or her practice from such persons as are specified in the order;
(j) that the practitioner pay –
    (i) to the Cook Islands Government Account, the reasonable costs and expenses of and incidental to the inquiry by the Chief Justice; and
    (ii) to any person appointed pursuant to sections 15(3), 25(3) or 25(4), that person's reasonable costs and expenses incurred in connection with any investigation, audit or examination and any report undertaken or made in relation to a complaint against that practitioner.

(2) If the complaint is not one to which subsection (1) applies but the Chief Justice is of the opinion having regard to the circumstances of the case that the making of the complaint was justified, the Chief Justice may make an order under paragraph (e) of subsection (1) where that paragraph is applicable, and under any one or more of paragraphs (f) to (i) of subsection (1).

(3) …

(4) …

(5) An order made under this section may be made on and subject to such conditions as the Chief Justice thinks fit.

(6) …

(7) The Chief Justice may from time to time publish particulars of specific complaints, the decision and the orders made, where in the opinion of the Chief Justice, such publication is in the public interest: Provided that the Chief Justice

> may suppress the name and details of the complainant to such extent as the Chief Justice thinks desirable in the interests of the complainant's privacy.

[20] In saying Chief Justices "may" make one or more of the orders in s 20 the section gives Chief Justices a discretion but, in this case, in light of Mr Rasmussen's concessions[20], he does not strongly contend that he ought not to be found guilty of professional misconduct. So, following that outcome, effectively the exercise of that discretion is likely to come down to whether Mr Rasmussen should be struck off the Roll of Barristers and Solicitors of the High Court or whether some other penalty, though still within the enabling powers of s 20, is found to be the appropriate outcome.

[21] In the serious circumstances of this complaint, as mentioned, once a finding of professional misconduct has been reached, only the penalty in s 20(1)(a) need be considered. Convictions against a lawyer on two counts of indecent assault and one count of attempting to pervert the course of justice are such serious departures from the proper standards of the profession and are so inimical to the profession's reputation that, were the penalty imposed to be no more than censure or a fine, serious though those penalties are, that would be a manifestly inadequate outcome.

[22] Though not referred to in submissions, in that Mr Rasmussen has convictions for offences involving conduct which was enabled by his position as a lawyer but, arguably, did not directly arise from his practice of the law, coupled with a conviction for an offence tending to undermine the administration of justice, his case may be seen to have a certain comparability with various decisions concerning another Cook Islands lawyer, Mr Tevita Vakalalabure[21].

[23] The sequence of those cases begins with the decision of Weston J, sitting alone, in *Police v. Vakalalabure*[22] where the Judge heard five defended offences against the accused, four of drunken or careless driving causing injury and one of careless use.

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[20] In [12] above.

[21] Though publicity concerning disciplinary decisions is optional, the decisions relating to Mr Vakalalabure were published, so his name can be used: Decision of 19 November 2009, at 55.

[22] CRN 322/07, 323/07, 772/07, 773/07, 771/07. Judgment of 27 November 2008 (NZT).

[24] In a comprehensive decision, the Judge carefully considered the question of identification which was sharply contested by both sides and, after detailing the evidence on that issue, came to the conclusion that "I regret to say that I find the defendant was fabricating his evidence in key respects,"[23] for reasons on which he then elaborated. He convicted the defendant on the drink driving causing injury charges, dismissing the others as alternatives.

[25] On 18 June 2009 (NZT) Weston J sentenced Mr Vakalalabure and, because Mr Vakalalabure was a practising lawyer, directed that copies of his two judgments be referred to the Chief Justice for consideration under s 15 of the Act[24].

[26] In the meantime, the Police lodged a professional misconduct complaint with the Chief Justice against Mr Vakalalabure following the latter's conviction for contempt of court by breaching bail conditions – a ban on purchasing or consuming alcohol – imposed after he had been bailed on one charge of male assaults female. The Police complaint alleged breaches of s 15(2)(a)(d)[25] and of clause 1 of the Code of Ethics.

[27] After reviewing the issues Sir David Williams CJ,[26] held that:

> "The conduct was unbecoming of a barrister because it is quite inappropriate for members of the Bar to commit criminal offence however minor they may be. Moreover, the offence in question, although minor, was one of contempt of court ie. disobedience of a Court order[27].

and that:

> "It is of the greatest of importance in a small community such as the Cook Islands for practitioners to obey the law. The Oath of Allegiance requires law practitioners to uphold the Constitution of the Cook Islands and 'it is generally accepted that the legal profession has a special role in maintaining and upholding the rule of law'."[28]

[28] Following the referral to him of Weston J's decisions – particularly his finding that Mr Vakalalabure fabricated evidence at the defended hearing – and a

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23 At [55].
24 At [27].
25 The latter misconstrued as the maximum penalty was imprisonment for under 1 year.
26 Judgment 19 November 2009.
27 At [8].

complaint from a Cook Islands lawyer,[29] Sir David Williams CJ commenced his determination by summarising Weston J's referral, the complaint and the applicable law. He referred to s 10, making all Cook Islands lawyers officers of the Court, the provisions of the Code of Ethics, the statutory criteria, including the then newly-enacted s 20 prescribing the available penalties and noted there was still no specific provision for suspension[30]. The Chief Justice then set out an extensive citation from the well-known decision of *Bolton v. The Law Society*[31] in which the English Court of Appeal described the rights and obligations of members of the legal profession in a way which is frequently cited in disciplinary decisions concerning lawyers throughout the Common Law world.

[29] The Chief Justice accepted Justice Weston's fabrication finding and therefore proceeded on the basis that the practitioner had fabricated evidence in his trial, commenting "a finding of dishonesty falls within the most serious category of professional misconduct" and that it is "necessary to have regard to 'the *Bolton* principles' of ensuring the fair and efficient administration of justice, for that is where the profession's true purpose lies" with the ultimate goal being "not only public confidence in the profession but also the ability of the judiciary to rely on the integrity of counsel appearing in the Courts"[32]. He concluded that the fabrication finding was of itself sufficient to justify striking the practitioner off the Roll.

[30] The Chief Justice then considered the practitioner's other criminal offending and misdemeanours, the contempt of Court conviction, the practitioner's having previously been censured, and finally the conviction, upheld on appeal, on the male assaults female charge. The practitioner admitted those matters reached the level of professional misconduct[33].

[31] That notwithstanding, the Chief Justice then took the view that the conviction for contempt of Court was for an "offence that is particularly acute when committed by an officer of the court"[34]. This led to a finding that the practitioner was guilty of

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28 At [12].
29 Mr Mason.
30 At [11].
31 [1994] 2 ALL ER 486, 491-3.
32 All at [37], [38].
33 At [42].
34 At [47].

conduct unbecoming a barrister as well as breach of s 15(2)(d). The Chief Justice concluded:

> "I find that Mr Vakalalabure's recidivist misconduct outside of his professional role is incompatible with his membership of the legal profession and that the offences outlined above amount to separate grounds requiring that Mr Vakalalabure be struck off"[35].

[32] In considering those decisions as they bear on the complaint against Mr Rasmussen, it is notable that he accepts that the three convictions entered against him and the penalties imposed reflect on his fitness to practice as a barrister and solicitor or a barrister, and that they tend to bring the legal profession into disrepute. Those admissions mean his case has echoes of Mr Vakalalabure's so striking-off must be considered open.

[33] However, before the question of the appropriate penalty falls to be considered there will be a formal finding under s 15(2)(d) that Mr Rasmussen, having been convicted of offences punishable by imprisonment for terms exceeding one year on the dates, times and in the circumstances appearing elsewhere in this decision, and the Chief Justice being of the opinion that those convictions reflect on Mr Rasmussen's fitness to practice as a barrister and solicitor of this Court and tend to bring the legal profession into disrepute, Mr Rasmussen is found guilty of misconduct in his professional capacity

[34] Does that necessarily lead to the conclusion that striking Mr Rasmussen off the Roll of Barristers and Solicitors is the appropriate penalty in this case?

[35] To consider the appropriate penalty to be imposed on Mr Rasmussen, pursuant to the powers in ss 15(3) and 16 of the Act, there will be an inquiry into that issue. That will take place during the week commencing 21 March 2022 at the Courthouse in Rarotonga with the actual date and time of the hearing to be fixed by the Registrar. If Mr Rasmussen is not on Rarotonga at the time of the hearing he may appear by AVL.

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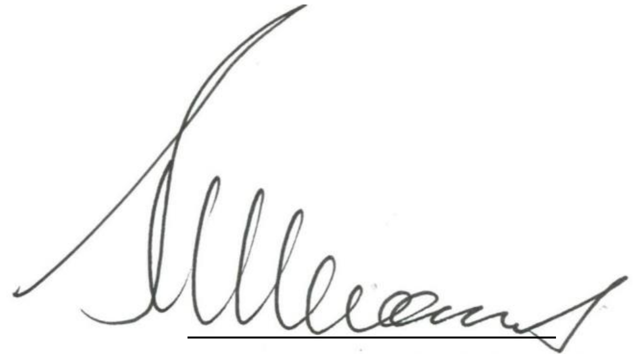
35 At [54].

[36] A copy of this judgment is to be forwarded to the CILS and it is invited, should it consider it appropriate so to do, to be represented at the penalty hearing and to make submissions on that topic.

[37] Publicity of professional misconduct decisions being discretionary, at this stage distribution of this decision is restricted to Mr Rasmussen, his immediate family, Mr Mason and members of the CILS Council with any notification of the same beyond those persons only being with leave.



Hugh Williams, CJ