

**IN THE SUPREME COURT OF  
THE REPUBLIC OF VANUATU**

*(Civil Jurisdiction)*

**Legal Practitioners Case No.02 of 2011**

**IN THE MATTER OF:**

**THE LEGAL PRACTITIONERS  
REGULATIONS 1980 [CAP.119] (as  
amended)**

**AND IN THE MATTER OF:**

**THE LEGAL PRACTITIONERS  
(QUALIFICATIONS) REGULATIONS NO.22  
OF 1996**

**IN THE MATTER OF:**

**AN APPLICATION BY TIMOTHY JOHN  
NORTH SC of Port Vila, Efate in the  
Republic of Vanuatu for ADMISSION to  
the Supreme Court of the Republic of  
Vanuatu and for TEMPORARY PRACTICING  
CERTIFICATE as a legal Practitioner**

*Mr Mark Hurley for the Applicant*

*Mr Ari Jenshel and Mr Alain Obed of State Law Office*

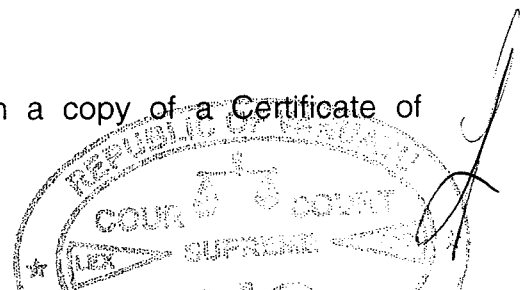
**RULING**

This is an application by Mr Mark Hurley, counsel for the Petitioner, Timothy John North SC of Level 28, 200 Queen Street, Melbourne, Australia filed 6 January 2011 together with a Petition and a sworn statement of Counsel filed on same date. The application is made under section 13(1) of the Legal Practitioners [Amendment] Act [CAP.119].

I read the application, the Petition and the sworn statement filed by counsel on 6 January 2011. I hear Mr Mark Hurley on behalf of the Applicant/Petitioner. I have consulted Mr Ari Jenshel and his assistant Mr Alain Obed of the State Law Office representing the Attorney-General of the Republic as required by the Legal Practitioners' Act.

I note that Section 13 application is an application for the Chief Justice to temporarily admit a foreign lawyer who is not practicing law in Vanuatu and on application by a local practicing solicitor.

Counsel for the Attorney-General provide me with a copy of a Certificate of



Admission issued by the then Chief Justice Frederick Cooke on 20<sup>th</sup> June 1988 admitting the Applicant, Timothy John North, of the Supreme Court of the Republic of Vanuatu, and to practice therein as a Barrister.

I finally note that the Application, the Petition and sworn statement of counsel filed in support make no reference to the said Certificate of admission.

I am informed by Mr Mark Hurley, counsel for the Applicant that the Applicant, Mr Timothy John North exchanges correspondences with the Attorney-General on certain issues. Counsel for the Attorney-General provide me with a copy of the Applicant's Profile as Barrister within the Victorian Bar. In the Applicant Profile it is advertised, among other matters, that "He is also admitted to practice in N.S.W., Queensland, Tasmania, Western Australia and Vanuatu".

If the Applicant is entitled to practice law in Vanuatu the question I pose is why he also applies for a temporary practicing certificate under section 13 of the Legal Practitioners [Amendment] Act [CAP.119]?

In the present case, after consultation and consideration, I find that there is no need for the Applicant to apply under Section 13 of the Act (as amended) because s.13 has no operation in relation to him on the face of the Applicant's Certificate of admission. I dismiss the application of the Applicant on that technical ground.

This ruling has a limited effect as made. Issues concerning operation of s.13 of the Act in private arbitration cases and question on whether or not the Applicant's Certificate of admission is affected by the Legal Practitioners (Amendment) Act [CAP.119] are important issues for consideration but they are for another day.

**DATED at Port-Vila this 9<sup>th</sup> day of February 2011**

**BY THE COURT**

**Vincent LUNABEK  
Chief Justice**

