

IN THE HIGH COURT OF FIJI

CIVIL JURISDICTION

CIVIL ACTION NO. HBM 133 OF 2022

IN THE MATTER of the Legal Practitioners Act
2009

AND IN THE MATTER of the Barristers and
Solicitors (Admission) Rules

AND IN THE MATTER of an application for
admission as a Barrister and Solicitor by **ISOA**
MATANITOBUA TUBANAVAU

PETITIONER

Counsel for Petitioner: Ms. N. Raikaci and Ms. L. Bulivou

Counsel for Chief Registrar: Ms. S. Sharma

Counsel for Fiji Law Society: Mr. J. Liganivai

Date of Hearing: 16 October 2025 and 21 January 2026

Date of Judgment: 5 March 2026

JUDGMENT

1. On 13 October 2022, the petitioner, Mr. Isoa Matanitobua Tubanavau, filed a petition in the Suva High Court to be admitted as a Barrister and Solicitor of the High Court of the Republic of Fiji.

2. He diligently complied with the requirements of Rule 3 of the Legal Practitioners (Admission) Rules 2014. He said he was over 18 years old, being born on 1 May 1981 at Suva. He said, he was a resident and citizen of Suva. He said, he had completed a Bachelor of Law and Graduate Diploma in Legal Practice at the University of Fiji in May and August 2022. He said, he had also been issued a certificate by the Board of Legal Education that he had completed an approved course of practical instruction and all other requirements required by the Board.
3. Thereafter the petitioner asked to be admitted as a legal practitioner under the Legal Practitioners Act 2009 to enable him to practice generally in Fiji. He referred to Mr. Jiten Singh and Mr. Kiniviliame Keteca at the University of Fiji as his referees.
4. The petitioner filed an affidavit on 13 October 2022 verifying all the facts he mentioned in his petition. The petition was set to be heard before the late former Chief Justice Kamal Kumar at the Suva High Court on 13 December 2022.
5. The admission of legal practitioners is governed by the Legal Practitioners Act 2009 (LPA).

Section 34(1) of the LPA stipulates:

“The Chief Justice shall have power to admit to practice as a practitioner any person duly qualified in accordance with the provisions of this Act. The Chief Justice may, upon cause being shown, refuse to admit any person as a practitioner notwithstanding that he or she may have these qualifications.”

Section 35 of the LPA sets out the necessary qualifications for admission.

“A person shall be qualified for admission as a practitioner if that person is a fit and proper person to be admitted to practice as a practitioner in the Fiji Islands, and –

- (a) has satisfactorily completed a course in the study of law approved by the Board and a programme or course of practical legal instruction and training approved by the Board; or
- (b) that person has obtained from the Board a certificate that his or her educational qualifications are sufficient to qualify him or her for admission as a practitioner; and
- (c) in addition to the requirements specified under paragraph (a) or (b), before making his or her application for admission as a practitioner in the Fiji Islands that person has resided in the Fiji Islands for a period of at least three months immediately prior to making his or her application for admission unless the Chief Justice for good reasons shall dispense with such residential requirements.”

6. It would appear from the petitioner’s affidavit in support of his petition dated 13 October 2022 that the petitioner had complied with and satisfied the requirements in section 35(a), (b) and (c) of the LPA.

7. However, a difficulty arose in the petitioner’s application when he revealed in his affidavit in support, in paragraphs 9 and 10 that:

- (i) in paragraph 9, the petitioner was fined \$200, but not convicted, for unlawful possession of illicit drugs contrary to section 5(a) of the Illicit Drugs Control Act 2004, in the Sigatoka Magistrate Court, on 21 November 2018, pursuant to section 15(1)(f) of the Sentencing and Penalties Act 2009;
- (ii) in paragraph 10, the petitioner was facing 10 criminal counts of “False information to a public servant”, contrary to section 201 (a) of the Crimes Act 2009 and “General Dishonesty – Causing a Loss”, contrary to section 324(1) of the Crimes Act 2009 and/or “General Dishonesty – Obtaining a Gain”, contrary to section 323 of the Crimes Act 2009, in the Sigatoka Magistrate Court, Criminal Case No. 6/16.

8. At the date of the hearing of the petitioner's admission application on 13 December 2022, the 10 criminal counts in the Sigatoka Magistrate Court were still pending. A decision on whether or not he was guilty or otherwise had not been made. As such, he was still presumed innocent until proven guilty beyond reasonable doubt, in a court of law.
9. The question therefore arose that in terms of section 35 of the Legal Practitioners Act 2009, at the time of the petitioner's application, was he a "fit and proper person to be admitted to practice as a practitioner in the Fiji Islands"?
10. According to the late former Chief Justice Kamal Kumar, he was, but with a condition. He allowed the petitioner's admission application in the following terms: "The petitioner's application is granted on the condition if the Petitioner is found guilty of any of the counts in Sigatoka Criminal Case No. 6/16, then the Petitioner's name is to be removed from the register of Legal Practitioners."
11. On 16 October 2025, the matter first came before me. Ms. N. Raikaci appeared for the petitioner, Ms. S. Sharma appeared for the Chief Registrar, Ms. S. Nayacalevu appeared for the Fiji Law Society. Ms. Sharma said, the Chief Registrar's Office objects to the petitioner's admission application. She said, the petitioner was convicted of all the counts on 13 August 2025. His practicing certificate was cancelled on 23 September 2025. Ms. Nayacalevu appeared to submit that the petitioner's admission application should be denied. Ms. Raikaci said the matter should go before Independent Legal Services Commissioner to be dealt with under Part 9 Division 3 of the Legal Practitioners Act 2009. Ms. Sharma submitted that the Chief Justice had the power to refuse admission given the conditions imposed by the late former Chief Justice Kamal Kumar on the petitioner's conditional admission. The matter was later adjourned to 22 January 2026.

12. On 21 January 2026, the matter again came before me. Ms. S. Sharma appeared for the Chief Registrar, Mr. J. Liganivai appeared for the Fiji Law Society and Ms. L. Bulivou appeared for the petitioner. Ms. Sharma said the petitioner should not have been admitted. Mr. Liganivai said, he agreed with Ms. Sharma, but he submitted the power to strike someone off the practitioner's register is a matter for the Independent Legal Services Commissioner under Part 9 of the Legal Practitioners Act 2009. Ms. Bulivou agreed with Mr. Liganivai.
13. In my view, the petitioner's admission by the late former Chief Justice Kamal Kumar on 13 December 2022 was a conditional admission, that is, he was admitted on the condition that if he was found guilty of any counts in Sigatoka Magistrate Court Criminal Case No. 6/16, his name was to be removed from the register of legal practitioners. The petitioner was found guilty of all 10 counts on 13 August 2025. Therefore, in accordance with the condition of his admission on 13 December 2022, his name is to be removed from the register of legal practitioners in Fiji forthwith. I order so accordingly.




Salesi Temo
Chief Justice

Solicitor for the Petitioner:

Ms. N. Raikaci,
Barrister & Solicitor,
Nausori.

Solicitor for the Chief Registrar:

Ms. S. Sharma,
Legal Practitioners Unit,
Suva.

Solicitor for the Fiji Law Society:

Mr. L. Liganivai,
Barrister & Solicitor,
Suva.