



How to register in Queensland if you are a lawyer from another State or New Zealand

Information for lawyers

1

There is legislation that makes it easy for solicitors/barristers and legal practitioners from other parts of Australia and from New Zealand to practise in Queensland. It is a simplified process for registering on the Queensland rolls.

What legislation is involved?

The first is the *Mutual Recognition (Queensland) Act 1992*, which covers lawyers from other States and Territories of Australia. The second is the *Trans-Tasman Mutual Recognition (Queensland) Act 2003* which enables lawyers from New Zealand to be covered by similar provisions.

Section 39 of each of the Acts requires that guidelines be issued and information made available about how the Acts operate. In compliance with this requirement, the judges of the Supreme Court issued guidelines on 24 June 2004 (for both Acts). These guidelines are summarised in this fact sheet. (The full text of the guidelines is available on www.courts.qld.gov.au)

How do the Acts simplify the process?

They have done away with the need to travel to Queensland and appear before the Supreme Court to seek admission—a significant saving of time and expense.

What is the process now?

You apply to the Registrar of the Supreme Court at Brisbane. There are six steps involved in applying:

1. Prepare an application for registration on the Queensland roll. Your application should generally follow the form on the back of this fact sheet (see s.19 of the *Mutual Recognition (Queensland) Act 1992* and s.18 of the *Trans-Tasman Mutual Recognition (Queensland) Act 2003*).
2. Verify the statements and other information in the application by statutory declaration.
3. Send the fee (prescribed by the Legal Profession Regulation 2004) to the Legal Practitioners Admissions Board, GPO Box 1785, Brisbane Qld 4001, making the cheque payable to the Board. The applicant must forward a copy of the receipt to the Registrar.

4. Obtain a certificate (original or certified copy) evidencing your existing registration. The certificate must be provided by the proper officer of either the Supreme Court of the State or Territory where you are registered (for the 1992 Act) or the High Court of New Zealand (for the 2003 Act). The certificate must have been issued not more than one month before you lodge your application.
5. Take a copy of all the documents—the application, statutory declaration, certificate.
6. Finally lodge your application, statutory declaration, certificate, a copy of the Legal Practitioners Admissions Board receipt and *a copy of each of these documents*, together with the filing fee to the Registrar of the Supreme Court, PO Box 15167, City East Qld 4002.

You can do this personally, by post or by agent. Lodgment by fax is not acceptable. Ensure that you include your postal address.

How is my application dealt with?

1. The Registrar forwards the copies of all the documents you supply to the Legal Practitioners Admissions Board.
2. The Board considers whether you should be granted registration, with or without condition, or whether registration should be postponed or refused. (Sections 21, 22 and 23 of both Acts provide for postponements or refusals in certain situations.)
3. The Board transmits its recommendation to the Registrar within 21 days of the lodgment of your application.
4. After considering the recommendation, the Registrar decides whether or not to grant registration (with or without condition) and, if the decision is favourable, records your name on the Roll of Legal Practitioners.
5. The Registrar sends you a certificate of registration.

What if my application is not granted?

The Registrar will send you written notification that your application has been postponed or refused.

Will the reason/s be given?

Yes, the Registrar will give reasons in the written notification that is sent to you.

Do I have the right of appeal?

The Acts do allow for a review by the Administrative Appeals Tribunal. However you can not make an appeal to the court as the Registrar is exercising the powers of the Supreme Court, and the guidelines that the judges issued under the Acts do not allow any appeal to, or review by, that court.

What is my position pending registration?

If you apply for registration as a legal practitioner in Queensland under this process, you should familiarise yourself with the deeming provisions in s.25 of the *Mutual Recognition (Queensland) Act 1992* or s.24 of the *Trans-Tasman Mutual Recognition (Queensland) Act 2003*.

Telephone inquiries (including advice on current fees)

Registry: (07) 3247 4133

Legal Practitioners Admissions Board: (07) 3842 5985

Other Courts information is provided on www.courts.qld.gov.au.

Please note that statements and information in the notices below must be verified by statutory declaration. These notices have been reduced in size for sample purposes. A4-size paper must be used. Further note that the information collected in this form is necessary to allow a determination of your application under the legislation. Once lodged in this office of the Supreme Court, the application is a public record and able to be inspected by any member of the public.

Sample notice of application for legal practitioners from other States

Note: Statements and other information in this notice must be verified by statutory declaration.

SUPREME COURT OF QUEENSLAND

REGISTRY: BRISBANE
NUMBER:

NOTICE FOR REGISTRATION AS A LEGAL PRACTITIONER

Pursuant to the *MUTUAL RECOGNITION (QUEENSLAND) ACT 1992*

NOTICE BY
TO BE REGISTERED AS A LEGAL PRACTITIONER UNDER THE MUTUAL RECOGNITION (QUEENSLAND) ACT 1992.

- I, _____ of _____, a barrister*, solicitor* or legal practitioner* of the Supreme Court of _____ hereby give notice of my application for registration as a legal practitioner of the Supreme Court of Queensland in accordance with the mutual recognition principle.
- I was first admitted to practice in Australia as a barrister*, solicitor* or legal practitioner* of the Supreme Court of _____ on (date).
- I am also admitted to practice in Australia as a barrister*/solicitor*/legal practitioner* in the following States/Territories

State/Territory	Date of admission/registration

- I conduct my principal practice as a barrister*/solicitor*/legal practitioner* from (address).
- My right to practise as a barrister*/solicitor*/legal practitioner* of any court in Australia is not suspended and has not been cancelled.
- My conduct as a barrister*/solicitor*/legal practitioner* is not the subject of disciplinary proceedings in any State or Territory (including any preliminary investigations or action that might lead to disciplinary proceedings).
- I am not otherwise prohibited from carrying on the practice of a barrister*, solicitor* or legal practitioner*, and I am not subject to any special conditions in carrying on that practice, as a result of criminal, civil or disciplinary proceedings in any State or Territory.
- I give consent to the making of inquiries of, and the exchange of information with, the authorities of any State or Territory regarding my activities in legal practice or otherwise regarding matters relevant to this notice.
- Annexed to this notice is a certificate by the proper officer of the Supreme Court of evidencing my existing registration.
- I know of no other matter which might bear on my fitness to be registered in Queensland as a legal practitioner or to practise in Queensland as such.

Signature: _____ Date: _____

* Delete if inappropriate

NOTICE FOR REGISTRATION AS A LEGAL PRACTITIONER Address for service:
Filed on behalf of: _____

NOTICE: The information collected in this form is necessary to allow a determination of your application under the legislation. Once lodged in the office of the Supreme Court it is a public record of the court and able to be inspected by any member of the public.

Sample notice of application for barristers/solicitors/ legal practitioners from New Zealand

Note: Statements and other information in this notice must be verified by statutory declaration.

SUPREME COURT OF QUEENSLAND

REGISTRY: BRISBANE
NUMBER:

NOTICE FOR REGISTRATION AS A LEGAL PRACTITIONER

Pursuant to the *TRANS-TASMAN MUTUAL RECOGNITION (QUEENSLAND) ACT 2003*

NOTICE BY
TO BE REGISTERED AS A LEGAL PRACTITIONER UNDER THE TRANS-TASMAN MUTUAL RECOGNITION (QUEENSLAND) ACT 2003

- I, _____ of _____, a barrister*/solicitor*/legal practitioner* of the High Court of New Zealand give notice of my application for registration as a legal practitioner of the Supreme Court of Queensland in accordance with the mutual recognition principle.
- I was first admitted to practice as a barrister*/solicitor*/legal practitioner* of the High Court of New Zealand on the (date).
- I am also admitted to practice in Australia as a barrister*/solicitor*/legal practitioner* in the following States/Territories -

State/Territory	Date of admission/registration

- I conduct my principal practice from (address).
- My right to practise as a barrister*/solicitor*/legal practitioner* of the High Court of New Zealand or any court in Australia is not suspended and has not been cancelled.
- My conduct as a barrister*/solicitor*/legal practitioner* is not the subject of disciplinary proceedings in New Zealand or any State or Territory of Australia (including any preliminary investigations or action that might lead to disciplinary proceedings).
- I am not otherwise prohibited from carrying on the practice of a barrister*/solicitor*/legal practitioner*, and I am not subject to any special conditions in carrying on that practice, as a result of criminal, civil or disciplinary proceedings in New Zealand or any State or Territory of Australia.
- I give consent to the making of inquiries of, and the exchange of information with, the authorities of New Zealand or any State or Territory of Australia regarding my activities in legal practice or otherwise regarding matters relevant to this notice.
- Annexed to this notice is a certificate by the proper officer of the High Court of New Zealand evidencing my existing registration.
- I know of no other matter which might bear on my fitness to be registered in Queensland as a legal practitioner or to practise in Queensland as such.

Signature: _____ Date: _____

* Delete if inappropriate.

NOTICE FOR REGISTRATION AS A LEGAL PRACTITIONER Address for service:
Filed on behalf of: _____

NOTICE: The information collected in this form is necessary to allow a determination of your application under the legislation. Once

* Delete if inappropriate.