

Guideline for Lawyers Seeking Registration (Admission) in Queensland under the Mutual Recognition Principle

Mutual Recognition Act 1992 (Cth) Trans-Tasman Mutual Recognition Act 1997 (Cth)

The mutual recognition principle is that a person who is registered for an occupation, such as a lawyer, in one place may be entitled, after notifying the local registration authority, to be registered in another place for the equivalent occupation. For lawyers, the local registration authority is the Supreme Court of Queensland with the assistance of the Legal Practitioners Admissions Board.

The *Mutual Recognition Act 1992 (Cth)*¹ governs the application of the mutual recognition principle to lawyers within Australia. The *Trans-Tasman Mutual Recognition Act 1997 (Cth)*² applies the principle to New Zealand lawyers.

This Guideline is made available as required by s 39 of each of these Acts, which requires guidelines and information regarding the operation of the Act to be made available by the local registration authority.

An **interstate lawyer** – that is, a person who is admitted to the legal profession under a corresponding law to the *Legal Profession Act 2007 (Qld)* in another State or Territory of Australia – may engage in legal practice in Queensland provided that they hold a current local practising certificate or a current interstate practising certificate.³ A practising certificate may be obtained by application to the local regulatory authority (the Queensland Law Society or the Bar Association of Queensland). An interstate lawyer is **not required** to become registered (admitted) in Queensland under the *Mutual Recognition Act 1992 (Cth)* in order to engage in legal practice, although they may do so if they wish.⁴

A **New Zealand lawyer** – that is, a person who is admitted to the roll of barristers and solicitors of the High Court of New Zealand – who wishes to engage in legal practice in Queensland **is required** to become registered (admitted) in Queensland and also obtain a practising certificate from the local regulatory authority (the Queensland Law Society or the Bar Association of Queensland).

For an interstate lawyer or a New Zealand lawyer to become registered (admitted) in Queensland, the following procedure, approved by [Practice Direction 15 of 2024](#), applies.

¹ The Queensland Parliament authorised the Commonwealth Parliament to enact the *Mutual Recognition Act 1992 (Cth)* by the *Mutual Recognition (Queensland) Act 1992 (Qld)*.

² Adopted in Queensland by the *Trans-Tasman Mutual Recognition (Queensland) Act 2003 (Qld)*.

³ See s 24 of the *Legal Profession Act 2007 (Qld)*.

⁴ However, where s 146 of the *Legal Profession Act 2007* applies (notice of intention to start practice in multi-disciplinary partnership) the person may be required to give notice to the Queensland Law Society.

How to apply for registration

An application for registration (admission) as a lawyer is made to the Registrar of the Supreme Court at Brisbane.⁵ There are six (6) steps.

- Step 1** **Prepare an application for registration** on the Queensland Roll of Lawyers. Your application should generally follow the relevant form in the annexure to this Guideline. The information requested by the form reflects the requirements under s 19 of the *Mutual Recognition Act 1992* (Cth) and s 18 of the *Trans-Tasman Mutual Recognition Act 1997* (Cth), respectively. Once filed with the Registrar, the application is a public record and is able to be inspected by any member of the public.
- Step 2** **Verify** the statements and other information in the application form by statutory declaration.
- Step 3** **Pay the prescribed fee** to the Legal Practitioners Admission Board.⁶ Make sure you obtain a receipt.
- Step 4** **Obtain a certificate** (original or certified copy) evidencing your existing registration as a lawyer. The certificate must be provided by the proper officer of either the Supreme Court of the State or Territory where you are registered (for interstate lawyers) or the High Court of New Zealand (for New Zealand lawyers). The certificate must have been issued not more than one (1) month before you file your application.
- Step 5** **Make two (2) copies of the documents** – the application, statutory declaration, certificate, and receipt for payment of the prescribed fee. One (1) copy is required to be lodged with the Registrar; the other copy is to keep for your records.
- Step 6** **File your application with the Registrar of the Supreme Court.** To file your application you must:
1. Provide to the Registrar (either in person, by an agent or by mail) the following documents:
 - the application;
 - statutory declaration;
 - certificate;
 - copy of the receipt for payment of the prescribed fee; and
 - a copy of all of these documents.
 2. Pay the Court filing fee prescribed under *Uniform Civil Procedure (Fees) Regulation 2019* (Qld), schedule 1 (item 3(1)); and
 3. Provide a postal address in Australia for documents to be sent to you.

Documents may be filed in person at the Supreme Court Registry, QEII Courts of Law Complex, 415 George Street, Brisbane or by mail addressed to:

Registrar of the Supreme Court
PO Box 15167
City East Qld 4002

⁵ The Registrar has the power to hear and determine the application under r 452(2)(b) of the *Uniform Civil Procedure Rules 1999* (Qld) and [Practice Direction 15 of 2024](#).

⁶ See s 42 of the *Legal Profession Act 2007* (Qld) and s 8 and schedule 1 (item 1) of the *Legal Profession Regulation 2017* (Qld).

How is my application dealt with?

Once the application (and documents referred to above) has been filed, and the Court filing fee has been paid:

1. The Registrar will send the copy of the application, statutory declaration, certificate and receipt to the Legal Practitioners Admissions Board within two (2) business days of the application being filed.⁷
2. The Board will consider whether you should be granted registration, with or without conditions, or whether registration should be postponed or refused.⁸
3. The Board will send its recommendation to the Registrar within 21 days of the application being filed.
4. After considering the Board's recommendation, the Registrar will decide whether to grant registration (with or without conditions) or to postpone or refuse registration.

If my application is granted?

If the Registrar's decision is to grant registration, the Registrar will:

1. Record your name on the Roll of Lawyers; and
2. Send you a Certificate of Registration.

If my application is postponed or refused?

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

Do I have a right of appeal?

No – a decision of the Registrar in relation to the admission of a person, under either the *Mutual Recognition Act 1992* (Cth) or the *Trans-Tasman Mutual Recognition Act 1997* (Cth), as a lawyer in Queensland is not subject to appeal or review by the Supreme Court or the Court of Appeal.⁹

However, subject to the *Administrative Appeals Tribunal Act 1975* (Cth), you may be able to make an application to the Administrative Appeals Tribunal for review of a decision made by the local registration authority.¹⁰

What is my position pending registration?

Both the *Trans-Tasman Mutual Recognition Act 1997* (Cth), in relation to New Zealand lawyers (s 24), and the *Mutual Recognition Act 1992* (Cth), in relation to interstate lawyers (s 25), provide for interim arrangements once a person has filed an application for registration. You should familiarise yourself with the provisions that apply to you.

⁷ Note: an application is not "filed" until all the documents have been filed and the Court filing fee has been paid.

⁸ See ss 21 and 22 of the *Trans-Tasman Mutual Recognition Act 1997* (Cth), in relation to the circumstances in which a local registration authority may postpone or refuse registration for New Zealand lawyers. See ss 22 and 23 of the *Mutual Recognition Act 1992* (Cth) for the equivalent provisions in relation to interstate lawyers.

⁹ See s 24 of the *Supreme Court (Admission) Rules 2004* (Qld).

¹⁰ See s 33 of the *Trans-Tasman Mutual Recognition Act 1997* (Cth) and s 34 of the *Mutual Recognition Act 1992* (Cth).



Enquiries?

If you have enquiries, including in relation to the prescribed fees, you may contact:

- **Brisbane Supreme Court Registry:**
Phone: 1800 497 117
Email: ccu@justice.qld.gov.au
- **Legal Practitioners Admissions Board:**
Phone: (07) 3842 5985
Email: admissions@qls.com.au

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APPENDIX

Suggested forms for application for registration (admission) under the mutual recognition principle

Important notes

1. Statements and information in the application form must be verified by a **statutory declaration**.
2. The application is not taken to be filed – and will not be dealt with by a Registrar – until all documents have been provided and prescribed fees have been paid.
3. When preparing the application, practitioners should include all 10 points from the sample application provided, even if they are answered in the negative. If any of the points are not applicable, this should be reflected in the form of the application which is submitted.
4. For New Zealand lawyers, a Practising Certificate or Certificate of Standing issued by the New Zealand Law Society is not sufficient. An Order for Admission from the High Court of New Zealand is also not sufficient. Applicants are required to provide a Registrar's Certificate from the relevant registry of the High Court of New Zealand. If you are unsure of what Certificate is required, please contact the Admissions teams at the Supreme Court Registry at admissions@justice.qld.gov.au for clarification.



FORM 1 – FOR NEW ZEALAND LAWYERS

SUPREME COURT OF QUEENSLAND

REGISTRY: BRISBANE
NUMBER: [to be completed by Registry]

APPLICATION FOR REGISTRATION AS A LAWYER

PURSUANT TO THE *TRANS-TASMAN MUTUAL RECOGNITION ACT 1997 CTH*)

MADE BY: _____ [name of applicant]

1. I, [insert name of applicant] of [insert applicant's address], a barrister*/solicitor*/legal practitioner* of the High Court of New Zealand, give notice of my application for registration as a lawyer in Queensland in accordance with the Trans-Tasman mutual recognition principle.
2. I was first admitted to practice as a barrister*/solicitor*/legal practitioner* of the High Court of New Zealand on [insert date].
3. 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 |
|-----------------|--------------------------------|
| [insert] | [insert] |
4. I conduct my principal practice as a barrister*/solicitor*/legal practitioner* from [insert address].
5. 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).
6. My right to practise as a barrister*/solicitor*/legal practitioner* of the High Court of New Zealand or any court in Australia is not cancelled or currently suspended as a result of disciplinary action.
7. 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.
8. I give consent to the making of inquiries of, and the exchange of information with, the authorities of New Zealand and any State or Territory of Australia regarding my activities in legal practice or otherwise regarding matters relevant to this application.
9. Annexed to this notice is [the original or a certified copy of] a certificate by the proper officer of the High Court of New Zealand evidencing my existing registration.
10. I know of no other matter which might bear on my fitness to be registered in Queensland as a lawyer or to practise in Queensland as such.

Signature:

Date:

* Delete if inappropriate

APPLICATION FOR REGISTRATION AS A LAWYER

Filed by: [insert name of applicant, or agent filing applicant on the applicant's behalf]

Address for Service: [insert postal address in Australia, email address and phone number]

FORM 2 – FOR INTERSTATE LAWYERS

SUPREME COURT OF QUEENSLAND

REGISTRY: BRISBANE
NUMBER: [to be completed by Registry]

APPLICATION FOR REGISTRATION AS A LAWYER

PURSUANT TO THE *MUTUAL RECOGNITION ACT 1992 CTH*)

MADE BY: _____ [name of applicant]

1. I, [insert name of applicant] of [insert applicant's address], a barrister*/solicitor*/legal practitioner* of the Supreme Court of [insert State or Territory], give notice of my application for registration as a lawyer in Queensland in accordance with the mutual recognition principle.
2. I was first admitted to practice as a barrister*/solicitor*/legal practitioner* of the Supreme Court of [insert State or Territory] on [insert date].
3. I am also admitted to practice in Australia as a barrister*/solicitor*/legal practitioner* in the following States/Territories:

| State/Territory [insert] | Date of admission/registration [insert] |
|-----------------------------|--|
| | |
4. I conduct my principal practice as a barrister*/solicitor*/legal practitioner* from [insert address].
5. My conduct as a barrister*/solicitor*/legal practitioner* is not the subject of disciplinary proceedings in any State or Territory of Australia (including any preliminary investigations or action that might lead to disciplinary proceedings).
6. My right to practise as a barrister*/solicitor*/legal practitioner* of any court in Australia is not cancelled or currently suspended as a result of disciplinary action.
7. 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 any State or Territory of Australia.
8. I give consent to the making of inquiries of, and the exchange of information with, the authorities of any State or Territory of Australia regarding my activities in legal practice or otherwise regarding matters relevant to this application.
9. Annexed to this notice is [the original or a certified copy of] a certificate by the proper officer of the Supreme Court of [insert State or Territory] evidencing my existing registration.
10. I know of no other matter which might bear on my fitness to be registered in Queensland as a lawyer or to practise in Queensland as such.

Signature:

Date:

* Delete if inappropriate

APPLICATION FOR REGISTRATION AS A LAWYER

Filed by: [insert name of applicant, or agent filing applicant on the applicant's behalf]

Address for Service: [insert postal address in Australia, email address and phone number]