NEW ZEALAND COUNCIL OF LEGAL EDUCATION

TRANS-TASMAN MUTUAL RECOGNITION ADMISSION REGULATIONS 2008
Made pursuant to section 274(f)(ii) of the Lawyers and Conveyancers Act 2006

1. Title, Commencement and Definitions

(1) These regulations may be cited as the Trans-Tasman Mutual Recognition Admission Regulations 2008.

(2) These regulations shall come into force on the first day of January 2009.

(3) In these Regulations, unless the context otherwise requires –

"Applicant" means a person seeking to gain admission as a barrister and solicitor under section 49(4) of the Act
"the Act" means the Lawyers and Conveyancers Act 2006
"Deemed registration" has the same meaning as in section 24 of the Trans-Tasman Mutual Recognition Act 1997
"Law Society" means the New Zealand Law Society
"Participating Jurisdiction" has the same meaning as in section 3 of the Trans-Tasman Mutual Recognition Act 1997
"Registrar" means the Registrar of the High Court at the place where the notice is given, or intended to be given
"TTMRA" means the Trans-Tasman Mutual Recognition Act 1997.

2. Notice

(1) Every applicant shall give to the Registrar written notice in accordance with section 19 of the TTMRA.

(2) The notice shall be in duplicate.

(3) The notice must be in the form set out in **Schedule 1** of these regulations.

(4) The Registrar shall forthwith send the duplicate copy of the notice to the Executive Director of the Law Society.

3. Affidavit in Support of Notice

(1) Every applicant who gives the Registrar written notice in accordance with section 19 of the TTMRA shall file with the notice an affidavit in the form set out in **Schedule 2** of these regulations.

(2) If no copy of the applicant's passport is annexed to the notice of application, the applicant shall exhibit sufficient supporting evidence as to the applicant's identity to satisfy the Registrar of that identity.

4. Assessment of Notice

(1) Unless the applicant provides the original of the instrument evidencing the applicant's existing registration in Australia, the Registrar must, as soon as practicable after receiving the notice, make inquiries or exchange information with relevant authorities in all relevant participating jurisdictions to satisfy himself or herself of the validity and veracity of all matters and information contained in the notice pertaining to the applicant's existing registration in Australia.

(2) For the purposes of s 14(1) of the TTMRA, registration authorities shall assess whether the New Zealand occupation applied for is an occupation equivalent to the applicant's Australian occupation in accordance with the criteria set out in **Schedule 3** of these regulations.

SCHEDULE 1
Prescribed form

IN THE HIGH COURT OF NEW ZEALAND **No.**
[*Insert*] REGISTRY

IN THE MATTER of the TRANS TASMAN MUTUAL RECOGNITION ACT 1997

of an application by [*name*] of [*address*], [*occupation*] for admission as a barrister and solicitor under the Trans-Tasman Mutual Recognition Act 1997 and section 49(4) of the Lawyers and Conveyancers Act 2006

TO: The Registrar of the High Court
At [*place*]

TAKE NOTICE that I [*full name*] of [*full address*], [*occupation*] hereby give notice that I seek registration for the occupation of barrister and solicitor of the High Court of New Zealand on the ground that I am entitled to be so registered in accordance with section 17 of the Trans-Tasman Mutual Recognition Act 1997. I certify that:

(1) I am currently registered to practise as a [*Barrister and Solicitor or as appropriate*] of the States[*s*] of [*name of participating jurisdiction(s)*], Australia, and am therefore registered in an equivalent occupation in [*a*] participating jurisdiction[*s*] for the purposes of section 19 of the Trans-Tasman Mutual Recognition Act 1997.

(2) I seek admission in New Zealand under section 19 of the Trans-Tasman Mutual Recognition Act 1997 in accordance with the Trans-Tasman mutual recognition principle in relation to occupations.

(3) The State[*s*] of [*name or participating jurisdiction(s)*] is[*are*] the [*only*] participating jurisdiction[*s*] in which I have registration as a [*Barrister and Solicitor or as appropriate*].

(4) I am not, as a [*Barrister and Solicitor or as appropriate*] of the State[*s*] of [*name of participating jurisdiction(s)*], the subject of any preliminary investigations or action that might lead to disciplinary proceedings in any participating jurisdiction or the subject of any disciplinary proceedings in any participating jurisdiction.

(5) My practising certificate as a [*Barrister and Solicitor or as appropriate*] of the State[*s*] of [*name of participating jurisdiction(s)*] has not been cancelled or suspended in any participating jurisdiction as a result of disciplinary action.

(6) I am not otherwise personally prohibited from carrying on my practice as a [*Barrister and Solicitor or as appropriate*] of the State[*s*] of [*name of participating jurisdiction(s)*] and I am not subject to any special conditions in carrying on my occupation as a result of criminal, civil, or disciplinary proceedings in any participating jurisdiction.

(7) I am not subject to any special conditions in carrying on my occupation as a [*Barrister and Solicitor or as appropriate*] of the State[*s*] of [*name of participating jurisdiction(s)*].

(8) I hereby consent to the making of enquiries and the exchange of information with the authorities of any participating jurisdiction regarding my activities as a [*Barrister and Solicitor or as appropriate*] of the State[*s*] of [*name of participating jurisdiction(s)*] or otherwise regarding matters relevant to this notice.

DATED at this day of 20

……
Signature of Applicant

SCHEDULE 2

Prescribed form

IN THE HIGH COURT OF NEW ZEALAND **No.**
[*Insert*] REGISTRY

IN THE MATTER of the TRANS TASMAN MUTUAL RECOGNITION ACT 1997

of an application by [*name*] of [*address*], [*occupation*] for admission as a Barrister and Solicitor under the Trans-Tasman Mutual Recognition Act 1997 and section 49(4) of the Lawyers and Conveyancers Act 2006

I, [*full name of applicant*] of [*address*], [*occupation*] swear [*or solemnly and sincerely affirm*] as follows:

(1) That I am the abovenamed applicant.

(2) Annexed hereto and marked "A" is [*the original or a facsimile copy, as appropriate*] of the instrument evidencing my existing registration in Australia

OR

Annexed hereto is sufficient information to establish my existing registration in Australia.

(3) Annexed hereto and marked "B" in proof of my identity is a copy of my passport

OR

Annexed hereto is evidence establishing my identity as the person making this application and as the person referred to in the documents establishing my registration in Australia.

SWORN [*or affirmed*] at [*place*])
this date)
of 20)

before me* being a person authorized to administer oaths in [place]:–

……
(State designation)

or before me**:-

[A solicitor of the High Court of New Zealand/Registrar/Deputy Registrar/District Court/Justice of the Peace]

* If sworn or affirmed outside New Zealand
** If sworn or affirmed in New Zealand

SCHEDULE 3

Equivalency of Occupations

Occupation of Australian Applicant	Equivalence for Admission purposes	Equivalence for Practising Certificate purposes (Barrister)	Equivalence for Practising Certificate purposes (Barrister and Solicitor)
New South Wales (admitted as lawyer)	Equivalent	Equivalent	Not Equivalent
Barrister (current local practising certificate granted by Bar Council)	Equivalent	Equivalent	Equivalent
Solicitor and barrister (current local practising certificate granted by Law Society Council)			
Victoria (admitted as lawyer)	Equivalent	Equivalent	Not Equivalent
Barrister (current local practising certificate issued by Victorian Bar)	Equivalent	Equivalent	Equivalent
Solicitor (current local practising certificate issued by Law Institute of Victoria)			
Queensland (admitted as legal practitioner)	Equivalent	Equivalent	Not Equivalent
Barrister (current local practising certificate issued by Bar Association)			
Solicitor (current local practising	Equivalent	Equivalent	Equivalent

certificate issued by Law Society)			
Western Australia (admitted as legal practitioner) Barrister (by election) Barrister and solicitor (current local practising certificate issued by Legal Practice Board)	Equivalent Equivalent	Equivalent Equivalent	Equivalent Equivalent
South Australia (admitted as barristers and solicitors) Barrister (by election) Barrister and solicitor (current practising certificate issued by Supreme Court)	Equivalent Equivalent	Equivalent Equivalent	Equivalent Equivalent
Australian Capital Territory (admitted as lawyer) Barrister (current barrister practising certificate issued by Law Society Council) Barrister and solicitor (current unrestricted or restricted practising certificate issued by Law Society Council)	Equivalent Equivalent	Equivalent Equivalent	Not Equivalent Equivalent

Northern Territory (admitted as local lawyer) Barrister (current barrister category practising certificate issued by Law Society) Barrister and solicitor (current unrestricted or restricted [barrister and solicitor] category practising certificate issued by Law Society)	Equivalent Equivalent	Equivalent Equivalent	Not Equivalent Equivalent
Tasmania (admitted as legal practitioner) Barrister (current barrister practising certificate issued by Law Society) Barrister and solicitor (current barrister and solicitor practising certificate issued by Law Society)	Equivalent Equivalent	Equivalent Equivalent	Not Equivalent Equivalent