

GUIDELINES FOR ADMISSION UNDER THE TRANS-TASMAN MUTUAL RECOGNITION SCHEME

(Published pursuant to section 39(2) of the *Trans-Tasman Mutual Recognition Act 1997*
(Cth))

1. The Legal Practitioners Admission Board of the Northern Territory (“*the Board*”) is the local registration authority in respect of an application for admission under the *Trans-Tasman Mutual Recognition Act 1997* (Cth) (“*the TTMR Act*”).
2. The process for admission pursuant the *TTMR Act* is very similar to that in the *Mutual Recognition Act 1992* (Cth) (“*the MR Act*”).
3. A person seeking registration in the Northern Territory under the *TTMR Act* must lodge a written notice with *the Board*. The notice must contain the information specified in section 18 of the *TTMR Act*. The pro forma notice provided for in the guidelines in respect of applications pursuant the *MR Act*, with all necessary changes or modifications, may be used for applications under the *TTMR Act*. The notice should be lodged at the Supreme Court Registry, GPO Box 3946, Darwin, NT 0801. A fee is payable upon lodgement.
4. A notice under section 18 must be accompanied by a document that is either the original or a copy of the instrument evidencing the applicant's existing registration (*i.e.*, *admission certificate*) or, if there is no such instrument, by sufficient information to identify the applicant and the applicant's current registration (section 18(3)). In the notice, the applicant must certify that the accompanying document is the original or a complete and accurate copy of the original.
5. *The Board* also requires that if the applicant holds a current practising certificate or similar document evidencing current entitlement to practise, that this also be lodged with the notice under section 18, and that the applicant certifies that this document is the original or a complete and accurate copy of the original.
6. In addition to the notice, *the Board* requires applicants to provide an affidavit in respect of the suitability matters in section 11 of the *Legal Profession Act*. A pro forma affidavit is provided which largely provides for the same content as to “suitability matters” as the pro forma affidavit for local applicants, again with all necessary changes or modifications.

Deemed Registration

7. Once a practitioner has lodged a notice under section 18, the application must be determined within one month (section 20). The Board may postpone or refuse the application within that month and absent that, the registration is granted at the end of that period (section 20(4)). In any case, pending the grant or refusal of registration, the applicant is deemed to be registered (section 24). When granted, registration takes effect from the date of lodgement of the notice under section 18.
8. Registration under the *TTMR Act* does not override the operation of laws that regulate the requirements for practise as they apply to all persons practising law in the

Northern Territory (section 16(2)(a)). Therefore a person granted registration under the *TTMR Act* is required to take an oath or affirmation and sign the Roll before being admitted to practise. Registration is granted conditional upon taking the oath or affirmation and signing the Roll and an applicant will not be entitled to practise until that has been done.

9. Likewise a person who intends to practice under deemed registration must comply with requirements (such as obtaining a practising certificate, arranging necessary insurance, fidelity funds etc.) of the Northern Territory and is subject to the disciplinary provisions applicable in the Northern Territory (section 26).

Oath or Affirmation: Signing of Roll

9. A person is not required to appear in person to take the oath or affirmation or to sign the Roll and in lieu may sign a pro forma for insertion in the Roll before the Principal Registrar of the Supreme Court of a State or Territory or a Registrar or Deputy Registrar of the High Court of New Zealand, or before any other officer designated by *the Board*.

Application for a Practising Certificate

10. The issue of a Practising Certificate for an applicant for registration is separate to the registration process. Once registered an applicant (not being otherwise entitled to practise), who intends to practise in the Northern Territory must make an application to the Law Society of the Northern Territory for the issue of a Practising Certificate before commencing to practise.