

PRACTICE NOTE SC Gen 8

Supreme Court – Admission and enrolment under the Mutual Recognition Act 1992 (Cth)

Commencement

1. This Practice Note commences on 17 August 2005.

Application

2. This Practice Note applies to all applications to the Court for mutual recognition as a barrister or solicitor in NSW. A separate application will also be required to the Law Society of NSW or the NSW Bar Association under the Act.

Definitions

3. In this Practice Note:

Act means the *Mutual Recognition Act 1992 (Cth)*

SC Act means the *Supreme Court Act 1970*

SCR means the *Supreme Court Rules 1970*

State means an *Australian State and includes the Australian Capital Territory and the Northern Territory.*

UCPR means the *Uniform Civil Procedure Rules 2005*

Introduction

4. The above Act allows a person, who is registered for an occupation in a State to which the Act applies, to obtain registration for the equivalent occupation in any other State to which the Act applies.

Filing of notices and other documents

5. The following documents must be filed at the Court:
 - a notice under the Act, incorporating a statutory declaration under the Statutory Declarations Act 1959 of the Commonwealth. The applicant and the person taking the declaration should sign the notice at the end of each page;
 - an Oath of Office; and
 - an affidavit of service.

5. Sample documents of the Notice, Statutory Declaration and Oath of Office are attached as annexures. These samples are designed for routine cases. In cases having unusual aspects, applicants should consult the SC Act, UCPR and the SCR in the same way as any party involved in proceedings in the Court.

Service of notices and other documents

6. The Court rules require service of the notice on the Legal Practitioners Admission Board, the New South Wales Bar Association, and the Law Society of New South Wales. These bodies may be served with the notice on, or prior to, the day of filing the notice. An affidavit of service of the notice on these bodies must be filed with, or within 14 days of filing, the notice.

J J Spigelman AC
Chief Justice of New South Wales
17 August 2005

Related Information

Practice Note SC Gen 8 was issued and commenced on 17 August 2005.
This Practice Note replaced Former Practice Note No. 82 on 17 August 2005.

See also:

Supreme Court Act 1970

Supreme Court Rules 1970, particularly:

- *Part 1, rule 8*
- *Part 61*

- *Part 65C, rule 4*
Uniform Civil Procedure Rules 2005, particularly:
- *Rules 4.2-4.7 and 4.10*
- *Rules 10.5 and 10.20-22*
- *Rule 10.27*

Amendment History:

NOTICE UNDER THE MUTUAL RECOGNITION ACT 1992 (COMMONWEALTH)	
COURT DETAILS	
Court	Supreme Court of New South Wales
Registry	Sydney Registry
Division	Common Law Division
Case number	
APPLICANT	
The Application of: Peter John Smith	
FILING DETAILS	
Filed for	Peter John Smith
Address for service	5 Main Street Brisbane Queensland 4000

1. I, PETER JOHN SMITH, seek admission and enrolment as a legal practitioner of the Supreme Court of New South Wales in accordance with the mutual recognition principle.
2. My residential address is 1 Station Street Brisbane 4000 and my business address is 5 Main Street Brisbane 4000.
3. In this notice, unless the subject matter otherwise requires, each of the following expressions has the same meaning which it has in the Mutual Recognition Act 1992 of the Commonwealth ("the Act"):
 - "equivalent";*
 - "mutual recognition principle";*
 - "occupation";*
 - "registration";*
 - "State";* and
 - "substantive registration".*
4. The information contained in this paragraph is given pursuant to section 19(2)(a) of the Act. On dd/mm/yy I was admitted as a barrister [or solicitor or solicitor and barrister or legal practitioner] of the Supreme Court of Queensland and my name is entered on the roll of barristers [or as the case may be] kept by or on behalf of that Court.
5. I certify that the document annexed hereto and marked with the letter "A" is the original [or a complete and accurate copy of the] instrument evidencing my admission and enrolment referred to in paragraph 4. Annexed hereto and marked with the letter "B" is a certificate complying with Part 65C, rule 4(2)(f) of the Supreme Court Rules 1970.
6. I have substantive registration in the following State(s) for the occupation(s) equivalent to the occupation referred to in paragraph 4 - *[List the other State(s)]*

OR

 I do not have substantive registration in any other State for the occupation equivalent to the occupation referred to in paragraph 4.
7. I am not the subject of disciplinary proceedings, or any preliminary investigations or action that might lead to disciplinary proceedings, in any State in relation to any occupation referred to in paragraph 4 [or paragraphs 4 or 6] (a "relevant occupation").
8. My registration for any relevant occupation in any State is not cancelled or currently suspended as a result of disciplinary action.
9. I am not otherwise personally prohibited from carrying on any relevant occupation in any State, and I am not subject to any special conditions in carrying on any relevant occupation, as a result of criminal, civil or disciplinary proceedings in any State.

10. I am not subject to any special conditions in carrying on any relevant occupation in any State.

OR

I am subject only to the following special conditions in carrying on any relevant occupation in any State - *[state special conditions and the State(s) where they apply]*

11. I consent to the making of enquires of, and the exchange of information with, the authorities of any State regarding my activities in the relevant occupation [or occupations], or otherwise regarding matters relevant to this notice.

STATUTORY DECLARATION	
Details of applicant	
Family name	
Given names	
Address for service	
Phone	
Fax	
E-mail	
Details of applicant's legal representative (if represented)	
Solicitor on the record	
Practising certificate number	
Firm	
Address	
Telephone	
Fax	
Email	

I, Peter John Smith, of 1 Station Street, Brisbane, in the State of Queensland, barrister, do solemnly and sincerely declare that the statements and other information contained in the above notice, **signed for identification on every page by me and by the person before whom this declaration is made**, are true and correct in every particular.

And I make this solemn declaration by virtue of the Statutory Declarations Act 1959, and subject to the penalties provided by that Act for the making of false statements in Statutory Declarations, conscientiously believing the statements contained in this Declaration to be true in every particular.

[signed] P J Smith

Declared at Brisbane the xth day of mm/yy.
Before me,

[signed]
M Jones
A Justice of the Peace
Reg. No.
[or as the case may be]

OATH OF OFFICE	
COURT DETAILS	
Court	Supreme Court of New South Wales
Registry	Sydney Registry
Division	Common Law Division
Case number	
APPLICANT	
The Application of:	
FILING DETAILS	
Filed by	

I, PETER JOHN SMITH of 1 Station Street, Brisbane, in the State of Queensland, do swear [or solemnly, sincerely and truly declare and affirm] that if I am enrolled as a legal practitioner by the Supreme Court of New South Wales I will truly and honestly conduct myself in the practice of a legal practitioner of the Supreme Court of New South Wales and I shall faithfully serve as such in the administration of the laws and the usages of that State according to the best of my knowledge, skill and ability.

SO HELP ME GOD [or I DO]

[signed]
P J Smith

CERTIFICATE

I, Eric Black of 1 High Street, Brisbane, in the State of Queensland, certify that I duly administered the above oath on dd/mm/yy.

[signed]
E Black
Registrar of the Supreme Court of Queensland