

AUSTRALIA

LEGAL SERVICES MARKET ACCESS SNAPSHOT OBJECTIVES AND ACCESS REQUIREMENTS

Current Market Access Requirements

Overseas-registered foreign lawyers can practise foreign law in any Australian State or Territory. There are some differences in the current registration and scope and form of practice rules between the eight Australian jurisdictions, but these differences are being removed by a law reform project to introduce nationally consistent rules. The new rules now operate in six of the eight States and Territories.

The new rules allow a foreign lawyer to practise foreign law on a “fly-in, fly-out” basis without registration if the periods in Australia do not in aggregate exceed 90 days in any period of 12 months. The “fly-in, fly-out” concession does not, however, allow an overseas-registered foreign lawyer to maintain a legal office in Australia or to become a partner or director of an Australian law practice.

An overseas-registered foreign lawyer who intends practising foreign law on a more regular or permanent basis can register as a foreign lawyer with the legal profession regulator in the State or Territory in which the foreign lawyer intends to practice. Once registered, the foreign lawyer can then practise foreign law in any Australian State or Territory without additional registration requirements.

Foreign lawyers who want to practise Australian law will need to be admitted to the Australian legal profession. Admission is based on satisfying academic, practical legal training and good character requirements. Admitting authorities in Australia will give some recognition to overseas qualifications and experience, depending on coverage of the core areas of law and the foreign lawyer’s practising experience and having regard to the nature of the Australian legal system.

Australia’s Market Access Objectives

Australia is encouraging the internationalisation of legal services and the legal services sector through a framework to facilitate the practice of foreign law in Australia as a recognised aspect of legal practice in this country.

Australia seeks a right for Australian lawyers to work with local lawyers in other countries to provide legal services that cover the laws of multiple jurisdictions. Australia also seeks an appropriate degree of recognition by other countries of the academic and practical legal training qualifications and experience of Australian lawyers seeking admission to the local legal profession in those other countries.

Australia’s market access objectives are being pursued by the Law Council of Australia in conjunction with the International Legal Services Advisory Council, Australian Department of Foreign Affairs and Trade and the Attorney-General’s Department.