



# Submission

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## International Law Section

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### Submission to Australia's Review of Export Policies and Programs

To: David Mortimer AO

A submission from the of the Law Institute of Victoria (LIV)

Date: 22 May 2008

**Queries regarding this submission should be directed to:**

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## 1 Introduction

The Law Institute of Victoria (LIV) welcomes the opportunity to make a submission to Australia's Review of Export Policies and Programs (the Review) and thanks the federal government for presenting this opportunity.

The LIV would be pleased to be included in any further consultations in relation to the Review.

If you have any questions in relation to this submission, please contact Laura Helm, International Law Section Adviser, Law Institute of Victoria on [lhelm@liv.asn.au](mailto:lhelm@liv.asn.au) or (03) 9607 9381.

## 2 Background

The LIV is Victoria's peak body for lawyers and those who work with them in the legal sector, representing over 13,000 members.

The International Law Section (ILS) of the LIV has primary responsibility for international matters within the LIV, consistent with the LIV's International Strategy which was recently adopted by the LIV Council.

The International Strategy builds on substantive work already undertaken by the LIV, details of which are summarised below. The adoption of the International Strategy reflects the importance which the LIV places on international matters, including improving the market for the export of legal services for Victorian lawyers and law firms.

The LIV has made a number of submissions in relation to all of Australia's current and prospective Free Trade Agreements (FTA) and has engaged in separate consultations on the current and prospective FTA with officers of DFAT and other Government bodies including, without limitation, Australian Trade Commission (Austrade), Commonwealth Department of Industry, Tourism and Resources (AusIndustry), IP Australia and the Australian Customs Service.

The current Chair of the ILS represents the LIV on the Services Export Advisory Committee convened by the Victorian Government.

The Victorian government has also provided funding to the LIV to assist in the pursuit of its international relationships, which has included sending Legal Services Delegations to China and receiving similar Delegations from China, leading to the conclusion of Memorandum of Understanding with the Shanghai Bar Association and the Beijing Municipal Lawyers Association.

The LIV is a constituent member of the Law Council of Australia (LCA). The LCA is also active in international matters. Nevertheless the LIV maintains its own interest in international matters, working in complement to the work of the LCA.

The LIV also engages in many international legal forums with other legal representative bodies such as the International Bar Association and the American Bar Association. Representatives of the LIV regularly speak at national and international conferences addressing services issues including the World Services Congress (Bogota, June 2007) and the High Level Consultation on Trade in Services for Regional Integration conducted by the United Nations Conference on

Trade and Development (UNCTAD) and the International Trade Committee (ITC) in Macau (February 2008).

### **3 Endorsement of other submissions**

The LIV wishes to endorse the contents and recommendations of the submissions made to the Review by the following organisations:

- (a) LCA;
- (b) federal government's Attorney-General's Department;
- (c) Australian Services Roundtable ("ASR"); and
- (d) Law Society of South Australia.

### **4 General observations and recommendations**

As stated above, the LIV has had the benefit of access to submissions by a number of other bodies.

Specifically, the LIV has reviewed the "General Observations" and "Recommendations" of the LCA. These have been developed through collaborative work between the LCA and the LIV and, as a result, the LIV wishes to fully endorse these General Observations and Recommendations as having been also made by the LIV.

### **5 Conclusion**

The comments above only represent a brief summary of the views of the LIV. The LIV is of the view that the Review represents a significant opportunity to provide for the continued improvement in Australian legal services trade and looks forward to providing more details and consulting where deemed appropriate.