

ANNEX 4-III

ADDITIONAL COMMITMENTS TO CHAPTER 7 (CROSS-BORDER TRADE IN SERVICES) AND CHAPTER 8 (INVESTMENT)

(I) RECOGNITION OF LAW DEGREES FOR ADMISSION AS QUALIFIED LAWYERS

Part 1: Singapore's Commitments

(A) Scope and coverage

1. This Part describes and sets out the conditions for Singapore's commitments for the supply of legal services in Singapore by Singapore citizens and permanent residents (as defined by Singapore laws and regulations) who completed their law degree courses at prescribed universities in Australia and who wish to seek admission as advocates and solicitors of the Supreme Court of Singapore.

(B) Description of Singapore's commitments

2. (a) Any Singapore citizen or permanent resident who has undergone an undergraduate or a graduate course in law at any one of the 10 Australian Universities listed or to be listed in the Schedules to the Legal Profession (Qualified Persons) Rules (Cap. 161, R 15) and who is subsequently conferred the corresponding Bachelor of Laws ("LL.B.") degree or the Doctor of Jurisprudence ("J.D.") degree specified in the relevant Schedule for that university shall be eligible to be a qualified person for the purposes of admission as an advocate and solicitor of the Supreme Court of Singapore if he or she has been ranked by that university as being amongst the highest 30%, in terms of academic performance, of the total number of the graduates in the same batch who have been conferred the degree or degrees specified in that Schedule in respect of that university.
- (b) The 10 Australian Universities referred to in paragraph 2(a) above are the Australian National University, Flinders University, Monash University, University of Melbourne, the University of New South Wales, the University of Queensland, the University of Sydney, the University of Western Australia, Murdoch University and the University of Tasmania ("listed Australian universities").
- (c) For the purpose of subparagraph (a) above, all graduates in the same university who, in the same calendar year, commenced the final year of their course of study leading to the degree or degrees specified in the relevant Schedule for that university shall be regarded as belonging to the same batch. In the case of any one of the 10 listed Australian universities, in respect of which both LL.B. and LL.B. (Honours) degrees have been specified, all the persons graduating with the degree

of LL.B. and all the persons graduating with the degree of LL.B. (Honours) will be taken together, for the purpose of ranking, as being in the same batch so long as they had, in the same calendar year, commenced the final year of their course which led to the conferment on them of their respective degrees. In the case of any one of the 10 listed Australian universities, in respect of which the J.D. degree has been specified, all persons graduating with the J.D. degree will be taken together, for the purpose of ranking, as being in the same batch so long as they had, in the same calendar year, commenced the final year of their course which led to the conferment on them of their J.D. degrees.

- (d) The 10 listed Australian universities shall not include any offshore campuses established by these universities outside Australia and the recognition of each of the relevant degrees conferred by these universities shall be solely on the basis of attendance and completion of full-time residential degree courses of at least three academic years' duration at one of these listed Australian universities. All part-time or distance learning law courses conducted by any of these listed Australian universities shall not be accorded recognition.
- (e) Notwithstanding the above –
 - (i) any Singapore citizen or permanent resident who has been conferred by any of the 10 listed Australian universities a degree specified for that university in the relevant Schedule after completion of a full-time residential course of study of less than three academic years' duration that led to that degree or a dual degree course where the qualification in law is a component of such a dual degree course may, with the approval of the Board of Legal Education before 31 July 2009 or by the Minister for Law on or after that date, be eligible to be a qualified person for the purposes of admission as an advocate and solicitor of the Supreme Court of Singapore if he or she has been ranked by that university as being amongst the highest 30%, in terms of academic performance, of the total number of the graduates in the same batch (as defined in subparagraph (c) above) who have been conferred the degree or degrees specified in that Schedule in respect of that university; and
 - (ii) any Singapore citizen or permanent resident who has been conferred by any of the 10 listed Australian universities a combined degree which includes a qualification in law may be eligible to be a qualified person for the purposes of admission as an advocate and solicitor of the Supreme Court of Singapore if the course leading to that combined degree is approved by the Board of Legal Education before 31 July 2009 or by the Minister for Law on or after that date, the person concerned satisfies such other requirements as the Board of Legal Education or the Minister for Law may specify and he or she has been ranked by that university as being amongst the highest 30%, in terms of

academic performance, of the total number of the graduates in the same batch (as defined in subparagraph (c) above) who have been conferred the degree or degrees specified in that Schedule in respect of that university.

- (f) Any Singapore citizen or permanent resident who satisfies the requirements under subparagraphs (a) to (e) above and who wishes to be a qualified person must (i) receive relevant legal training and/or engage in relevant legal practice or work for the prescribed duration; and (ii) pass Part A of the Singapore Bar Examinations. In order to get called to the Singapore Bar, such a qualified person must (i) attend and satisfactorily complete the preparatory course leading to Part B of the Singapore Bar Examinations; and (ii) pass Part B of the Singapore Bar Examinations. Such a person must also comply with the provisions of Parts I & II of the Legal Profession Act (Cap. 161) as well as the following rules and regulations made thereunder, including: (i) the Legal Profession (Qualified Persons) Rules (Cap. 161, R 15) and (ii) the Legal Profession (Admission) Rules 2011 (S 244/2011).
- (g) The list of Australian Universities in the Schedules to the Legal Profession (Qualified Persons) Rules (Cap. 161, R 15) and the list of accepted LL.B. degrees and J.D. degrees conferred thereby may be amended by Singapore following consultations with Australia; provided that the list shall not at any time contain less than 10 Australian Universities and any such amendments shall not directly or indirectly nullify the recognition already accorded to Singapore citizens and permanent residents prior to such amendments.
- (h) The 10 listed Australian universities and the list of accepted LL.B. degrees and J.D. degrees conferred thereby may be reviewed by the Parties at the subsequent reviews of this Agreement as provided in Article 7 (Review) of Chapter 17 (Final Provisions), taking into account Singapore's prevailing or projected needs for legal services and legal professionals.

3. Any Australian national who has been conferred by the National University of Singapore, the Singapore Management University, or the SIM University an LL.B., LL.B. (Hons) or J.D. degree with at least second lower class honours or equivalent shall be eligible for admission as an advocate and solicitor of the Supreme Court of Singapore upon completion of the prescribed practice training period, attendance at such courses of instruction and passing of such examinations in accordance with Parts I & II of the Legal Profession Act (Cap. 161) as well as the following rules and regulations made thereunder, including: (i) the Legal Profession (Qualified Persons) Rules (Cap. 161, R 15); and (ii) the Legal Profession (Admission) Rules 2011 (S 244/2011).

Part 2: Australia's Commitments

1. Any Singapore citizen or permanent resident who has been conferred an accredited undergraduate law degree by any one of the Australian Universities, shall

qualify for admission as an advocate/barrister and/or solicitor of any state or territory in Australia upon completion of the prescribed period of pupillage/practical legal training, attendance at such courses of instruction and passing of such examinations and meeting of other conditions as may be prescribed by the relevant state or territory in Australia.

2. Any Australian national or any Singapore citizen or permanent resident who graduated with a LL.B. (Hons) or J.D. from the National University of Singapore, the Singapore Management University, or the SIM University shall qualify for admission as an advocate/barrister and/or solicitor of any state or territory in Australia upon completion of the prescribed period of pupillage/practical legal training, attendance at such courses of instruction and passing of such examinations and meeting of other conditions as may be prescribed by the relevant state or territory in Australia.

(II) CONDITIONS FOR SINGAPORE'S COMMITMENTS FOR AUSTRALIAN LAW PRACTICES TO PROVIDE LEGAL SERVICES IN RELATION TO SINGAPORE LAW

1. Australian law practices may provide legal services in relation to Singapore law upon obtaining a Qualifying Foreign Law Practice (QFLP) licence, only to the extent allowed by the laws, rules, and regulations concerning QFLP, and subject to the conditions and requirements relating to QFLP.
2. Australian law practices may apply for QFLP licences, if and when the next round of QFLP licence applications are called by Singapore, subject to the Legal Profession Act (Cap. 161) and the terms and conditions stipulated for the particular round of QFLP applications. For the avoidance of doubt, Singapore is not obliged to call for applications for QFLP licences at any time or at all.
3. In relation to any particular round of QFLP applications, if any, Singapore reserves the right to:
 - (a) decide on the criteria and factors that will be used to evaluate and select the applicants; and
 - (b) award the QFLP licences, if any, based on Singapore's assessment of the merits of a particular application relative to the other applications.
4. All applicants for the same round of QFLP applications will be subject to the same evaluation and selection criteria and factors.
5. Any Australian law practice that has been awarded a QFLP licence may only supply legal services to the extent allowed by the Legal Profession Act (Cap. 161) and the relevant rules governing QFLPs.
6. Any renewal of a QFLP licence shall be subject to the terms and conditions stipulated for the application for the renewal of the licence.

(III) ESTABLISHMENT OF A SINGAPORE HELP DESK BY AUSTRALIA AND INVESTMENT APPLICATION TIMELINES FOR SINGAPORE INVESTORS

1. Australia shall establish a dedicated help desk to assist Singaporean investors with direct investment applications to acquire existing Australian businesses or establish new businesses, including purchases of property as an integral part of the business. The help desk shall:

- (a) assist investors to respond to further requests for information;
- (b) provide information on any national interest concerns arising from these applications; and
- (c) keep such investors up-to-date with the status of these applications.

2. Australia shall review these applications from Singaporean investors expeditiously in accordance with its laws, regulations and policies.

3. Unless an application to acquire an existing Australian business or establish a new business is denied, such application is deemed to be approved at the end of the statutory review period, or where notice of a statutory extension is given to the investor, at the end of the statutory period of extension.

(IV) NOTE TO SINGAPORE'S COMMITMENTS FOR FINANCIAL SERVICES

Singapore agrees, consistent with its recent policy of granting more wholesale bank licenses, that the access of Australian banks to the wholesale bank market in Singapore will not be limited by the number of licenses that are available 4 years after the date of entry into force of this Agreement. The granting of Wholesale Bank licences will be subject to admission criteria as stipulated by the Monetary Authority of Singapore.