

23 December 2025

Mr Ravi Kewalram
First Assistant Secretary and Chief Negotiator
Free Trade Agreements and Stakeholder Engagement Division
Department of Foreign Affairs and Trade
RG Casey Building
John McEwen Crescent
Barton ACT 0221

By email: FTAModernisation@dfat.gov.au

Dear Mr Kewalram

Southeast Asia Free Trade Agreements modernisation review

I am writing on behalf of the Legal Services Council's Admissions Committee and the Law Admissions Consultative Committee (**LACC**) in relation to the Southeast Asia Free Trade Agreements (**FTAs**) modernisation review.

The Admissions Committee and the LACC are aware that some FTAs have given consideration to legal services and the recognition of professional qualifications, including the Australia-United Kingdom Free Trade Agreement.¹

The requirements for admission to practise law in Australia are well established, including for those who are foreign lawyers² or have obtained their legal qualifications overseas. This submission sets out some information about those requirements, which we hope will be of assistance to any consideration that is given to legal services in the current review. It also provides information about the requirements for registration for foreign lawyers who wish to practise foreign law in Australia.

The Committees refer DFAT to the useful overview of foreign law and lawyers in Australia published by the Law Council of Australia for further detail and resources.³

Given the interest of the Committees in this area, we would appreciate the opportunity to discuss any proposed approaches to updating Australia's FTAs that may affect the systems for admission of legal practitioners in Australia or for foreign lawyers practising foreign law in Australia.

¹ The Admissions Committee and the LACC, along with the Legal Services Council, have participated in the Legal Services Regulatory Dialogue established under Chapter 10 of the Australia-United Kingdom Free Trade Agreement.

² A foreign lawyer is defined as an individual who is properly registered or authorised to engage in legal practice in a foreign country by the foreign registration authority for the country: Legal Profession Uniform Law, s 6.

³ Available at <https://lawcouncil.au/policy-agenda/international-law/foreign-law-and-lawyers-in-australia>.

The role of the Committees

The Admissions Committee is established under the Legal Profession Uniform Law (**Uniform Law**)⁴ which applies in New South Wales, Victoria and Western Australia. The Admissions Committee is responsible for developing the Legal Profession Uniform Admission Rules (**Uniform Admission Rules**) and advising the Legal Services Council on admission matters.

The LACC is a national group that reports to the Council of Chief Justices of Australia and New Zealand, although it is not a committee of the Council of Chief Justices. Its main role is to forge consensus on admission matters nationally, between the bodies represented by its members. The primary way in which this has been achieved is the development of admissions policy documents, which are adopted by each state and territory as part of their local legislation and/or rules, or at an operational level by the admitting authorities.

The Admissions Committee and the LACC work together to promote national consistency in admission matters. The Committees meet jointly to discuss matters of mutual interest. Further information about the Admissions Committee and the LACC (including their Strategic Plans) is available on the Legal Services Council's website.⁵

Admission of foreign lawyers and overseas qualified lawyers

Local requirements for admission

Lawyers who wish to practise Australian law in Australia must be admitted in Australia and licensed. The requirements for admission are broadly uniform across Australia.

For example, under the Uniform Law, the admitting authority may issue a compliance certificate, if it is satisfied that a lawyer has either:

- satisfied the specified academic qualifications prerequisite (made up of the prescribed academic areas of knowledge) and the specified practical legal training (**PLT**) prerequisite, or
- been exempted under s 18 of the Uniform Law.⁶

The academic qualifications prerequisite is based on successfully completing a tertiary academic course in Australia, that includes the equivalent of three years' full-time study, is accredited by the local admitting authority and allows a student to acquire and demonstrate appropriate understanding and competence in each of the following prescribed academic areas of knowledge:

- Criminal law and Procedure
- Torts
- Contracts
- Property
- Equity
- Company Law
- Administrative Law
- Federal and State Constitutional Law
- Civil Dispute Resolution
- Evidence
- Ethics and Professional Responsibility.⁷

These academic areas of knowledge are also commonly referred to as the "Priestley 11".

⁴ Legal Profession Uniform Law, s 402(1).

⁵ See <https://legalservicescouncil.org.au>.

⁶ Legal Profession Uniform Admission Rules 2015, cl 6A provides additional guidance to admitting authorities on exemptions.

⁷ Legal Profession Uniform Admission Rules 2015, cl 5, Sch 1.

The PLT prerequisite is acquiring and demonstrating an appropriate understanding and competence in each element of the:

- Skills
 - Lawyer's skills
 - Problem Solving
 - Work Management and Business Skills
 - Trust and Office Accounting
- Compulsory Practice Areas
 - Civil Litigation Practice
 - Commercial and Corporate Practice
 - Property Law Practice
- Optional Practice Areas
 - Any two of:
 - Administrative Law Practice
 - Banking and Finance
 - Criminal Law Practice
 - Consumer Law Practice
 - Employment and Industrial Relations Practice
 - Family Law Practice
 - Planning and Environmental Law Practice
 - Wills and Estate Practice
- Values
 - Ethics and Professional Responsibility.⁸

Overseas applicants and the Uniform Principles

In considering an applicant who seeks to be admitted on the basis of overseas qualifications or training, the admitting authorities may have regard to the LACC's Uniform Principles for Assessing Qualifications of Overseas Applicants for Admission to the Australian Legal Profession (**Uniform Principles**).⁹ The Uniform Principles provide guidance to Australian admitting authorities on how to assess an applicant's compliance with the Australian requirements for admission, taking into account the equivalence between the study that the applicant has undertaken and the Australian requirements for admission.

The Uniform Principles state that to be admitted to the legal profession in an Australian state or territory on the basis of qualifications obtained outside Australia, an applicant must usually have:

- a) completed a tertiary course leading to legal practice in the applicant's home jurisdiction, which is substantially equivalent to a three-year full-time law course that leads to admission to the legal profession in Australia
- b) successfully completed subjects, either as part of that course or otherwise, which are substantially equivalent to the areas of study which Australian applicants must successfully complete before being admitted to the legal profession in Australia
- c) acquired and demonstrated an appropriate understanding of, and competence in, certain skills, practice areas and values, which are substantially equivalent to the skills, practice areas and values which Australian applicants must acquire and demonstrate an understanding of and competence in, before being admitted to the legal profession in Australia, and
- d) undertaken, or been exempted from, the International English Language Testing System Academic Module test within two years before seeking admission, and obtained minimum scores of 8.0 for writing, 7.5 for speaking and 7.0 for reading and listening in the relevant components of that test.

⁸ Legal Profession Uniform Admission Rules 2015, cl 6, Sch 2. The national framework for PLT, including the prerequisites in the Legal Profession Uniform Law Admission Rules 2015, are currently under review by the Law Admissions Consultative Committee and Admissions Committee.

⁹ Available at <https://legalservicescouncil.org.au/about-us/law-admissions-consultative-committee.html>.

Areas of study

Schedule 2 to the Uniform Principles sets out the common practices of admitting authorities when assessing overseas academic qualifications. The Schedule is intended to assist an applicant to anticipate what additional academic studies may be required in Australia depending on their jurisdiction of qualification. Extracted below are the provisions relevant to Southeast Asia:

Malaysia

- (a) An applicant with a law degree from the United Kingdom, Australia or elsewhere will be required to study the same Prescribed Subjects as apply to the country in which that degree was obtained.
- (b) An applicant with a law degree from Malaysia will be required to study Administrative Law, Federal and State Constitutional Law and any other Prescribed Subjects not studied as part of that degree.

Credit may be given for Administrative Law if it has been studied as a separate, comprehensive subject in that degree.

Philippines

An applicant with a law degree from the Philippines will be required to study Administrative Law, Criminal Law, Equity, Federal and State Constitutional Law, Property, Torts and any other Prescribed Subjects that have not been studied as part of that degree.

Singapore

- (a) An applicant with a law degree from England, Australia or elsewhere will be required to study the same Prescribed Subjects as apply to the country in which that degree was obtained.
- (b) An applicant with a law degree from Singapore will be required to study Administrative Law, Federal and State Constitutional Law and any other Prescribed Subjects not studied as part of that degree.

Credit may be given for Administrative Law if it has been studied as a separate, comprehensive subject in that degree.

Generally, applicants relying on academic qualifications from countries or institutions that are not set out in Schedule 2 are required to study all prescribed academic areas of knowledge.

Practical legal training (PLT)

Schedule 4 to the Uniform Principles sets out what additional studies will be required in relation to the PLT competencies based on the country in which the applicant has undertaken a PLT course and been admitted. It gives special recognition to, relevantly, applicants who have undertaken a PLT course and been admitted to legal practice in Singapore and Malaysia.

For other countries not specifically named, an applicant may be exempted from undertaking one or more of the required skills, practice areas and values, if the applicant before or after being admitted to legal practice, has acquired and demonstrated appropriate understanding and competence in, the relevant skill, practice area or values. However, they will still be required to undertake

- Trust and office accounting
- Ethics and professional responsibility.

Experienced lawyers

The Uniform Principles note that an admitting authority has a broad discretion to dispense with some or all of the additional academic studies or PLT usually required in accordance with Schedule 2 and Schedule 4.

This discretion may be exercised in favour of an established legal practitioner in an overseas jurisdiction where the admitting authority considers the applicant's experience in practice to be relevant, substantial and current.

Schedule 5 to the Uniform Principles sets out some common considerations which an admitting authority may, but is not obliged, to take into account when considering such an applicant. They do not require that an admitting authority will act in any particular way, or limit the admitting authority's discretion.

Once a person has been admitted to practice, they must obtain a practising certificate before practising Australian law.

Conditional admission

In jurisdictions participating in the Uniform Law (New South Wales, Victoria and Western Australia), admitting authorities may recommend the admission of a foreign lawyer subject to conditions.¹⁰ These conditions may be one or more of the following kinds:

- (a) a condition limiting the period of the foreign lawyer's admission
- (b) a condition requiring the foreign lawyer to undertake particular academic or practical legal training or both
- (c) a condition requiring the foreign lawyer to engage in supervised legal practice
- (d) a condition limiting the area of law in which the foreign lawyer may engage in legal practice
- (e) a condition otherwise restricting the foreign lawyer's practising entitlements.

The Legal Services Council has issued guidance to the admitting authorities on the use of conditional admission¹¹ and some admitting authorities have published their own information for foreign lawyers.¹²

Registered foreign lawyers

Foreign lawyers who wish to provide foreign law legal services on a fly in fly out basis can do so for a maximum period of 90 days in any 12-month period.

Foreign lawyers who wish to practise in Australia for longer than this may register with the local state or territory licensing authority as an "Australian-registered foreign lawyer". Australian-registered foreign lawyers are subject to the same professional and ethical standards as apply to Australian legal practitioners. An Australian-registered foreign lawyer is not entitled to practise Australian law.

Please feel free to contact me on (02) 9692 1300 or at lsc@legalservicescouncil.org.au if you require any further information.

Yours sincerely,



Stephen Bray

A/ Chief Executive Officer | Legal Services Council
A/Commissioner for Uniform Legal Services Regulation

¹⁰ Legal Profession Uniform Law, s 20.

¹¹ Available at <https://legalservicescouncil.org.au/uniform-framework/guidelines-directions.html/>.

¹² For example, guidance published by the Legal Profession Admission Board of NSW, available at <https://lpab.nsw.gov.au/admission-overseas-lawyers/conditional-admission.html>.