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the legal profession®

The IBA Global Cross Border Legal Services in Oceania Report 2019

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INTRODUCTION

This database was produced for the IBA Bar Issues Commission Trade in Legal Services Committee. It is an extract from a larger Global Crossborder Legal Services database which covers over 140 countries, and more than 220 jurisdictions worldwide. Given the growth of crossborder activity amongst lawyers in Oceania, this extract may be a useful tool for Bar Associations and others interested in looking at how cross border legal services works in different jurisdictions on the continent.

How the database was compiled

The IBA Global Crossborder Legal Services database is available in full on the IBA's website. The jurisdictions covered in this extract have been compiled using the same methodology. This is as follows:

- First desk research was undertaken to find relevant statutory, regulatory and, where appropriate, judicial or Common Law provisions governing the regulation and supply of legal services in the various countries covered in the database.
- These initial results were then sent to the responsible competent authority for verification and if this was not possible, confirmation of the regulatory position was sought from local practising lawyers. The organisation undertaking this verification is mentioned at the end of each jurisdiction's entry, where applicable

Sources used

Wherever possible primary sources have been used. Answers to questions on lawyers' titles, basic qualification requirements, reserved areas of work and responsible competent authorities are drawn in most cases from primary legislation or government gazettes. Competent authorities, who are responsible for the admission and registration of lawyers are the most common source for information on codes of conduct and requirements in relation to practice, including corporate forms in which lawyers may practise, the ability to practise in partnership with host country lawyers or to employ host country lawyer and the existence of other restrictions. Links to the sources used on a country by country basis are included in the body of the database. The World Trade Organisation services database (www.wto.org) has been used as the main source of information on countries' market access commitments for legal services and horizontal commitments and its Regional Trade Agreement database for information on the coverage of legal services in RTAs and bilateral trade agreements. Information on the commercial presence of foreign legal providers has been obtained from published commercial sources, such as Chambers and Partners website (www.chambersandpartners.com) or Legal 500 (www.legal500.com), where possible this has also been verified with registration data held by competent authorities. Information on general investment restrictions has been derived from a variety of sources, including individual government investment agencies and the World Bank's 'Doing Business' website (www.doingbusiness.com). Information on visas and work permits has come from both the horizontal commitments notified to the WTO and from commercial visa procurement agencies.

Notes on Interpretation

Legal services are defined for the purposes of this database as in UN CPC 861 and arbitration and mediation services, which are frequently conducted by lawyers are also considered. Many countries define the 'practice of law' within their own jurisdictions differently from the UN CPC classification and many also distinguish between services which are regulated and therefore restricted to qualified lawyers (often only locally qualified lawyers) and those services which are unrestricted, subject only to immigration and work permit requirements. The broad approach taken by this database allows us to reflect a fairer picture of overall market access offered by host countries.

Certain terminology has been used throughout this database, such as 'licensing', 'foreign legal consultant rules' and 'fly in fly out'. Many countries do not use this terminology themselves and may, for example, permit foreign lawyer establishment without having a formal FLC regime, but in order to obtain a basis for comparison, we have described arrangements that are considered to have equivalent effect in these sections even if they would not be described locally as such.

There are missing elements in this database which could usefully be added in future. We have not, for example, included any information about disciplinary arrangements, however most of the authorities who are responsible for issuing licences are also the authorities responsible for issuing certificates of good standing to individuals wishing to move across borders.

Australia

Is there legislation governing the legal sector

Responsibility for the regulation of lawyers in Australia rests with the States and Territories. The Legal Profession Acts (adopted between 2004 and 2008 by all but one jurisdiction) were supposed to help harmonise standards and systems across Australia and lead to clear and efficient regulation of the profession. However, by the end of 2008 it became apparent that further work was required in this regard and in 2009 the National Legal Profession Reform Taskforce was appointed to make recommendations and prepare draft national legislation by April 2010 with a view to achieving the uniform regulation the legal profession across Australia. The draft has been approved and Victoria has agreed to introduce legislation to implement the reforms that will be replicated across the participating jurisdictions. Queensland, South Australia, Western Australian, Tasmania and the Australian Capital Territory have indicated they will not be joining the National Scheme at the start. Draft legislation is currently being reviewed in consultation with the Law Council of Australia. It is anticipated that the legislation will come into effect from July 2014.

Under what title do lawyers practise?

Barrister, Solicitor, Legal Practitioner, lawyer.

How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?

In Australia, prospective lawyers must complete a law degree (Bachelor of Laws (most common), Juris Doctor, or less commonly the Diploma in Law through the Legal Practitioners Admissions Board and complete the practical training requirement which is met by completing an approved practical legal training (PLT) course or articles of clerkship. There is a two-step process for admission to practice. Graduates must first obtain admission as a lawyer in an Australian state/territory, which requires both possession of a recognized law degree and verification of good character, plus evidence of completion of a post-graduate PLT course. In the second stage, lawyers then apply to the applicable state organization for practising certificates either as a solicitor (which requires nothing further beyond the application) or as a barrister (which requires a passing score in the relevant state bar exam). In most States and Territories, the professions are fused. Where the distinction persists (e.g. New South Wales), a solicitor who wishes to appear in court must also qualify as a barrister.

Initial admission is usually on a restricted basis, requiring supervision by a senior practitioner for up to 24 months. A person holding a practising certificate in any Australian jurisdiction is entitled to seek admission to practise in any other Australian jurisdiction without impediment; or may

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	<p>practise from time to time in another Australian jurisdiction without gaining admission in that jurisdiction.</p> <p>Practising certificates must be renewed annually and each practitioner must comply with the continuous education requirements which are mandatory in each State and Territory.</p>
<i>Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits</i>	<p>After gaining admission and obtaining a practising certificate, lawyers admitted to practice in one State or Territory are entitled to seek admission and obtain a practising certificate in another State or Territory under the Mutual Recognition Scheme. However, under the National Practising Certificate Scheme, this is usually not now necessary. The National Practising Certificate Scheme provides that lawyers entitled to practise in one State or Territory can practise in another without having to obtain a practising certificate in the latter jurisdiction. It negates the need to incur costs associated with registration in the latter jurisdiction under the Mutual Recognition Scheme. The National Practising Certificate Scheme operates in every State and Territory.</p>
<i>Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?</i>	<p>Appearing in court or advising on the law of any of Australia's jurisdictions.</p>
<i>Do you need to hold local nationality to be eligible to practise law?</i>	<p>No</p>
<i>What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)</i>	<p>See information for each state.</p>
<i>What other ethical or regulatory requirements must a licensed lawyer comply with?</i>	<p>See information for each state.</p>
<i>Do law firms need to receive a "license" (or permission/approval) to practice law?</i>	<p>See information for each state.</p>
<i>Which authority issues licences? Are there different authorities for individuals and firms?</i>	<p>See information for each state.</p>
<i>Is the jurisdiction a member of the WTO?</i>	<p>Australia joined the WTO on 1 January 1995.</p>
<i>Has it made any WTO commitments on legal services?</i>	<p>Australia has scheduled commitments in legal services. It has listed no restrictions under modes 1 and 2. Under the GATS, Australia has scheduled mode 3 restrictions on partnership with Australian lawyers and employment of Australian lawyers by foreign lawyers. Mode 4 is unbound.</p>

Australia

A limited licence, rather than full admission as an Australian lawyer, is required in order to provide: (a) legal advisory services in foreign law, where licensed in the relevant foreign jurisdiction(s); (b) legal advisory services in international law; or (c) legal arbitration and conciliation/mediation services in relation to foreign and international law. (By contrast, a full licence is required for (a) legal advisory and representational services in domestic law. Australia's mode 3 commitments permit joint offices involving revenue sharing between foreign law firms and local law firms in: New South Wales; Victoria; Queensland; Tasmania; Western Australia; the Australian Capital Territory and the Northern Territory subject to the foreign law firms satisfying certain requirements, including in relation to liability, standard of conduct and professional ethics.

Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?

Australia has bilateral trade agreements in force with ASEAN, Chile, New Zealand, Papua New Guinea, Singapore, Thailand and the USA. It has concluded but not yet ratified an agreement with Malaysia and it is negotiating agreements with the GCC, China, India, South Korea and Japan. Australia is also a party to negotiations for the Trans Pacific Partnership Agreement and the Trade in Services Agreement.

Do these currently include legal services or are there plans to include them in future?

Legal Services have been included in the following bilateral Australian agreements: Australia-Chile FTA, Australia-Malaysia FTA, Singapore -Australia FTA, US-Australia FTA. In the case of the Chile, US and Singapore agreements, legal services is included on the basis of potential future mutual recognition agreements. In the case of the Malaysian and Thai agreements specific commitments were made on legal services but these simply echoed commitments undertaken in the WTO GATS process with minor exceptions (in the case of Thailand) on business ownership.

Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?

Lawyers admitted in New Zealand are given special status in that they may qualify for mutual recognition under the Trans-Tasman Mutual Recognition Arrangement.

Are there any 'foreign law' firms present in this jurisdiction?

Yes, there are a number of large UK, US and Chinese firms with offices in Australia. There has been a recent spate of mergers between large UK, US and Chinese firms with Australian firms.

Australia

Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?

Under Legal Profession Acts enacted in all Australian states and territories (except South Australia), there is a general prohibition on the practice of foreign law in Australia unless the practitioner is an 'Australian-registered foreign lawyer' or is an 'Australian legal practitioner.' An overseas-qualified foreign lawyer will be exempt from the general prohibition on practising foreign law in Australia if the lawyer: practises foreign law in Australia for one or more periods that do not in aggregate exceed 90 days in any period of 12 months; and does not maintain a legal office for the purpose of practising foreign law or does not become a partner or director of a law practice in Australia. Foreign lawyers are permitted to: practice 'home country' law; practice international law; provide legal services (including appearances) in relation to arbitration proceedings of a kind prescribed by legislation; to provide legal services (including appearances) in relation to proceedings before a body (other than a court) in which the body is not required to apply the rules of evidence and in which knowledge of the foreign law of a country where the foreign lawyer is registered is essential; and to provide legal services for conciliation, mediation and other forms of consensual dispute resolution of a kind prescribed by regulation.

Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?

Yes. See: <http://www.immi.gov.au/visawizard/>

Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?

Yes. In all jurisdictions except South Australia. See further information for each state.

Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)

Yes. In all jurisdictions except South Australia. See further information for each state.

Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)

Yes. In all jurisdictions except South Australia. See further information for each state.

Are foreign lawyers permitted to undertake arbitration and mediation?

Yes

Are foreign lawyers allowed to appear in court under any circumstances?

Legislation prohibits an Australian-registered foreign lawyer from appearing in any court except on his or her own behalf or in limited circumstances as prescribed by legislation.

Australia

Can foreign lawyers requalify as local lawyers?

Yes. The Law Admissions Consultative Commission (LACC) is responsible for setting standards for academic and Practical Legal Training requirements for admission to the Australian legal profession, the accreditation and appraisal of academic and Practical Legal Training institutions and courses, and other matters related to admission to the Australian legal profession. LACC is a committee of the Australian Conference of Chief Justices. Uniform principles for the assessment of overseas applicants for admission have been adopted by all Australian admitting authorities.

Can a foreign law firm obtain a licence to open an office?

See information for each state.

Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)

All foreign businesses must do the following, in order to set up an office: register with Australian Securities and Investments Commission (ASIC) as a foreign company; register the trading name of the company with the relevant State Government office; obtain an Australian Business Number from the Australian Business Register; and have a principal place of business in Australia.

Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)

No

Is there a quota on the number of licences available?

No

Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?

No

Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (E.g. home, host, international law), if so, what are they?

Foreign firms may offer advisory services in foreign and international law.

Are there restrictions on the corporate form a foreign law firm can take?

See information for each state.

Are there rules about the name a foreign law firm can take?

See information for each state.

What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL

See information for each state.

Are there restrictions on the ownership share of foreign lawyers in a law firm?

There are no limits on ownership or control by foreign nationals, but the acquisition of substantial interests by foreigners must be notified. Notification thresholds are AUD 5 million in an existing business and AUD 10 million for

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establishment of a new business.

Ownership of law firms by non-lawyers, including corporations and stock market shareholders, is permitted under strict regulation.

May a domestic lawyer be employed by a foreign lawyer or law firm?

Local lawyers can be employed by foreign law firms or foreign lawyers in all Australian jurisdictions. An Australian-registered foreign lawyer is permitted to employ one or more Australian legal practitioners, but such employment does not allow the foreign lawyer to practise Australian law in Australia. In addition, the Australian legal practitioners so employed (unless employed in a law firm with an Australian registered foreign lawyer as a partner with at least one other partner who is an Australian legal Practitioner Director) must not provide advice on Australian law to, or for use by, the Australian registered foreign lawyer, or practise Australian law in Australia in the course of that employment.

Can a domestic lawyer enter into partnership with a foreign lawyer?

Yes

Can a domestic lawyer or domestic law firm employ a foreign lawyer?

Yes

Other useful sources or comments or links

Law Council of Australia: <http://www.lawcouncil.asn.au/>
AustLii: <http://www.austlii.edu.au/>
ComLaw: <http://www.comlaw.gov.au/>

Verified by

Law Council of Australia
www.lawcouncil.asn.au
(November 2013)

Australia – Australian Capital Territory

<i>Is there legislation governing the legal sector</i>	Legal Profession Act 2006: http://www.austlii.edu.au/au/legis/act/consol_act/lpa2006179/
<i>Under what title do lawyers practise?</i>	Barrister, Solicitor, Legal Practitioner, lawyer.
<i>How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?</i>	See information for Australia.
<i>Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits</i>	See information for Australia.
<i>Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?</i>	Appearing in court or advising on the law of Australian Capital Territory. The Legal Profession Act 2006 (ACT) http://www.austlii.edu.au/au/legis/act/consol_act/lpa2006179/
<i>Do you need to hold local nationality to be eligible to practise law?</i>	No
<i>What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)</i>	Sole practitioner, partnerships, incorporated legal practices, multi-disciplinary partnerships.
<i>What other ethical or regulatory requirements must a licensed lawyer comply with?</i>	Solicitors Conduct Rules 2007: http://www.legislation.act.gov.au/sl/2007-31/default.asp Barristers Rules 2013: www.actbar.com.au
<i>Do law firms need to receive a "license" (or permission/approval) to practice law?</i>	The ACT Law Society must be informed of a firm's intention to practise law.
<i>Which authority issues licences? Are there different authorities for individuals and firms?</i>	Australian Capital Territory Law Society: http://www.actlawsociety.asn.au/ and the ACT Bar Association: http://www.actbar.com.au/
<i>Is the jurisdiction a member of the WTO?</i>	See information for Australia.
<i>Has it made any WTO commitments on legal services?</i>	See information for Australia.
<i>Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?</i>	See information for Australia.
<i>Do these currently include legal services or are there plans to include them in future?</i>	See information for Australia.

Australia – Australian Capital Territory

<i>Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?</i>	See information for Australia.
<i>Are there any 'foreign law' firms present in this jurisdiction?</i>	See information for Australia.
<i>Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?</i>	See information for Australia.
<i>Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?</i>	See information for Australia.
<i>Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?</i>	A foreign lawyer can obtain a limited licence entitling them to offer advisory services in foreign and international law (i.e. become a foreign legal consultant).
<i>Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)</i>	Once a licence has been granted, there are ongoing requirements: the licence holder may not hold a license to practice foreign law in any other state or territory, must notify the Law Society as soon as practicable every time practice details change and must notify the Law Society within 7 days if they are charged with a serious offence.
<i>Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)</i>	In order to qualify for a limited licence, an applicant must meet a series of requirements including in relation to: educational and professional qualifications; registration in a foreign state; fitness and good character; and professional indemnity insurance.
<i>Are foreign lawyers permitted to undertake arbitration and mediation?</i>	Yes
<i>Are foreign lawyers allowed to appear in court under any circumstances?</i>	Yes. Under limited circumstances. – See information for Australia.
<i>Can foreign lawyers requalify as local lawyers?</i>	Yes. - See information for Australia.
<i>Can a foreign law firm obtain a licence to open an office?</i>	Foreign firms are permitted to establish a commercial presence (a permanent office) to offer advisory services in foreign and international law. Foreign firms which employ an Australian Legal Practitioner Director, may practise Australian law subject to conditions imposed by legislation.
<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up</i>	See information for Australia.

Australia – Australian Capital Territory

an office? (E.g. with a ministry of company affairs etc.)

Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?) No

Is there a quota on the number of licences available? No

Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have? No

Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (E.g. home, host, international law), if so, what are they? Foreign firms may offer advisory services in home country and international law including arbitration and mediation.

Are there restrictions on the corporate form a foreign law firm can take? Not applicable

Are there rules about the name a foreign law firm can take? There are specific rules in relation to use of names by lawyers or law firms. See the Legal Profession Act 2006 for further information. Foreign lawyers and firms are treated the same as local lawyers in the application of these rules.

What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL There is no explicit foreign law firm licensing regime which regulates these arrangements.

Are there restrictions on the ownership share of foreign lawyers in a law firm? See information for Australia.

May a domestic lawyer be employed by a foreign lawyer or law firm? Yes

Can a domestic lawyer enter into partnership with a foreign lawyer? Yes

Can a domestic lawyer or domestic law firm employ a foreign lawyer? Yes

Other useful sources or comments or links ACT Law Society: <http://www.lawsocact.asn.au/>
ACT Bar Association: <http://www.actbar.com.au/>

Verified by Law Council of Australia (November 2013)
www.lawcouncil.asn.au

Australia – New South Wales

<i>Is there legislation governing the legal sector</i>	Legal Profession Act 2004: http://www.austlii.edu.au/au/legis/nsw/consol_act/lpa2004179/
<i>Under what title do lawyers practise?</i>	Barrister, Solicitor, Legal Practitioner, lawyer
<i>How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?</i>	See information for Australia.
<i>Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits</i>	See information for Australia.
<i>Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?</i>	Appearing in court or advising on the law of New South Wales.
<i>Do you need to hold local nationality to be eligible to practise law?</i>	No
<i>What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)</i>	Sole practitioner, partnerships, incorporated legal practices, multi-disciplinary partnerships, Chambers practices.
<i>What other ethical or regulatory requirements must a licensed lawyer comply with?</i>	Revised Professional Conduct and Practice Rules 1995 (Solicitors' Rules): http://www.lawsociety.com.au New South Wales Barristers' Rules: http://www.nswbar.asn.au/docs/professional/rules/rules080811.pdf
<i>Do law firms need to receive a "license" (or permission/approval) to practice law?</i>	The Law Society of New South Wales must be informed of a firm's intention to practise law.
<i>Which authority issues licences? Are there different authorities for individuals and firms?</i>	The Law Society of New South Wales: http://www.lawsociety.com.au and the New South Wales Bar Association: http://www.nswbar.asn.au/
<i>Is the jurisdiction a member of the WTO?</i>	See information for Australia.
<i>Has it made any WTO commitments on legal services?</i>	See information for Australia.
<i>Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?</i>	See information for Australia.

Australia – New South Wales

<i>Do these currently include legal services or are there plans to include them in future?</i>	See information for Australia.
<i>Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?</i>	See information for Australia.
<i>Are there any 'foreign law' firms present in this jurisdiction?</i>	See information for Australia.
<i>Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?</i>	See information for Australia.
<i>Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?</i>	See information for Australia.
<i>Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?</i>	<p>A foreign lawyer can obtain a limited licence entitling them to offer advisory services in foreign and international law (i.e. become a foreign legal consultant). The relevant legislation is the Legal Profession Act 2004 (NSW) (Part 2.7), Legal Profession Admission Rules 2005 (NSW), and Legal Profession Regulation 2005 (NSW). These are available online at www.legislation.nsw.gov.au.</p>
<i>Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)?</i>	<p>Once a licence has been granted, there are ongoing requirements: the licence holder must not hold a license to practice foreign law in any other state or territory, must notify the Law Society as soon as practicable every time practice details change and must notify the Law Society within 7 days if they are charged with a serious offence.</p> <p>There are approximately 50 foreign registered lawyers in NSW (as at June 2010).</p>
<i>Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)</i>	In order to qualify for a limited licence, an applicant must meet a series of requirements including in relation to: educational and professional qualifications; registration in a foreign state; fitness and good character; and professional indemnity insurance.
<i>Are foreign lawyers permitted to undertake arbitration and mediation?</i>	Yes
<i>Are foreign lawyers allowed to appear in court under any circumstances?</i>	Yes. Under limited circumstances. – See information for Australia.
<i>Can foreign lawyers requalify as local lawyers?</i>	Yes. - See information for Australia.
<i>Can a foreign law firm obtain a licence to open an office?</i>	Foreign firms are permitted to establish a commercial presence (a permanent office) to offer advisory services in

Australia – New South Wales

	foreign and international law. Foreign firms which employ an Australian Legal Practitioner Director, may practise Australian law subject to several conditions imposed by legislation.
<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)</i>	See information for Australia.
<i>Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)</i>	No
<i>Is there a quota on the number of licences available?</i>	No
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	No
<i>Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (E.g. home, host, international law), if so, what are they?</i>	Foreign firms may offer advisory services in home country and international law including arbitration and mediation.
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	Not applicable
<i>Are there rules about the name a foreign law firm can take?</i>	There are specific rules in relation to use of names by lawyers or law firms. See the Legal Profession Act 2004 for further information. Foreign lawyers and firms are treated the same as local lawyers in the application of these rules.
<i>What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL</i>	There is no explicit foreign law firm licensing regime which regulates these arrangements.
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	See information for Australia.
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	Yes
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	Yes
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	Yes

Australia – New South Wales

Other useful sources or comments or links

Verified by

Law Society of NSW: <http://www.lawsociety.com.au/>

NSW Bar Association: <http://www.nswbar.asn.au/>

Law Council of Australia (November 2013)

www.lawcouncil.asn.au

Australia – Northern Territory

<i>Is there legislation governing the legal sector</i>	Legal Profession Act 2008: http://lawsocietynt.asn.au/images/stories/LPA_2009.pdf
<i>Under what title do lawyers practise?</i>	Barrister, Solicitor, Legal Practitioner, lawyer.
<i>How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?</i>	See information for Australia.
<i>Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits</i>	See information for Australia.
<i>Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?</i>	Appearing in court or advising on the law of Northern Territory.
<i>Do you need to hold local nationality to be eligible to practise law?</i>	No
<i>What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)</i>	Sole practitioner, partnership, incorporated legal practice or multi-disciplinary partnership.
<i>What other ethical or regulatory requirements must a licensed lawyer comply with?</i>	Rules of Professional Conduct and Practice: http://lawsocietynt.asn.au/images/stories/Professional_Conduct_and_Practice.pdf
<i>Do law firms need to receive a "license" (or permission/approval) to practice law?</i>	The Law Society Northern Territory must be informed of a firm's intention to practise law.
<i>Which authority issues licences? Are there different authorities for individuals and firms?</i>	The Law Society Northern Territory: http://lawsocietynt.asn.au
<i>Is the jurisdiction a member of the WTO?</i>	See information for Australia.
<i>Has it made any WTO commitments on legal services?</i>	See information for Australia.
<i>Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?</i>	See information for Australia.
<i>Do these currently include legal services or are there plans to include them in future?</i>	See information for Australia.
<i>Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?</i>	See information for Australia.
<i>Are there any 'foreign law' firms present in this jurisdiction?</i>	See information for Australia.

Australia – Northern Territory

Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?

See information for Australia.

Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?

See information for Australia.

Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?

A foreign lawyer can obtain a limited licence entitling them to offer advisory services in foreign and international law (i.e. become a foreign legal consultant).

The relevant legislation is the Legal Profession Act 2008 (NT) (at Part 2.7), and the Rules of Professional Conduct and Practice 2002 (NT). These are available online at <http://lawsocietynt.asn.au/>

Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)?

Once a licence has been granted, there are ongoing requirements: the licence holder must not hold a license to practice foreign law in any other state or territory, must notify the Law Society as soon as practicable every time practice details change and must notify the Law Society within 7 days if they are charged with a serious offence.

Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)

In order to qualify for a limited licence, an applicant must meet a series of requirements including in relation to: educational and professional qualifications; registration in a foreign state; fitness and good character; and professional indemnity insurance.

Are foreign lawyers permitted to undertake arbitration and mediation?

Yes

Are foreign lawyers allowed to appear in court under any circumstances?

Yes. Under limited circumstances. – See information for Australia.

Can foreign lawyers requalify as local lawyers?

Yes. - See information for Australia.

Can a foreign law firm obtain a licence to open an office?

Foreign firms are permitted to establish a commercial presence (a permanent office) to offer advisory services in foreign and international law.

Foreign firms which employ an Australian Legal Practitioner Director, may practise Australian law subject to several conditions imposed by legislation.

Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)

See information for Australia.

Australia – Northern Territory

<i>Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)</i>	No
<i>Is there a quota on the number of licences available?</i>	No
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	No
<i>Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (E.g. home, host, international law), if so, what are they?</i>	Foreign firms may offer advisory services in home country and international law including arbitration and mediation.
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	Not applicable
<i>Are there rules about the name a foreign law firm can take?</i>	There are specific rules in relation to use of names by lawyers or law firms. See the Legal Profession Act 2004 for further information. Foreign lawyers and firms are treated the same as local lawyers in the application of these rules.
<i>What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL</i>	There is no explicit foreign law firm licensing regime which regulates these arrangements.
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	See information for Australia.
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	Yes
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	Yes
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	Yes
<i>Other useful sources or comments or links</i>	Law Society NT: http://www.lawsocnt.asn.au/ NT Bar Association: http://www.ntba.asn.au/
<i>Verified by</i>	Law Council of Australia (November 2013) www.lawcouncil.asn.au

Australia – Queensland

<i>Is there legislation governing the legal sector</i>	Legal Profession Act 2007: https://www.legislation.qld.gov.au/LEGISLTN/CURRENT/L/LegalProA07.pdf
<i>Under what title do lawyers practise?</i>	Barrister, Solicitor, Legal Practitioner, lawyer
<i>How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?</i>	See information for Australia.
<i>Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits</i>	See information for Australia.
<i>Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?</i>	Appearing in court or advising on the law of Queensland. The Legal Profession Act 2007 (QLD) https://www.legislation.qld.gov.au/LEGISLTN/CURRENT/L/LegalProA07.pdf
<i>Do you need to hold local nationality to be eligible to practise law?</i>	No
<i>What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)</i>	Sole practitioner, partnership, incorporated legal practice or multi-disciplinary partnership.
<i>What other ethical or regulatory requirements must a licensed lawyer comply with?</i>	Australian Solicitors Conduct Rules (ASCR): http://ethics.qls.com.au/sites/all/files/u108/QLS_Australian_Solicitors_Conduct_Rules_2012.pdf Bar Association of Queensland Barristers' Conduct Rules: http://www.qldbar.asn.au/index.php?option=com_content&task=blogcategory&id=102&Itemid=42
<i>Do law firms need to receive a "license" (or permission/approval) to practice law?</i>	The Queensland Law Society must be informed of a firm's intention to practise law.
<i>Which authority issues licences? Are there different authorities for individuals and firms?</i>	The Queensland Law Society: http://www.qls.com.au or the Bar Association of Queensland: http://www.qldbar.asn.au
<i>Is the jurisdiction a member of the WTO?</i>	See information for Australia.
<i>Has it made any WTO commitments on legal services?</i>	See information for Australia.

Australia – Queensland

Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?

See information for Australia.

Do these currently include legal services or are there plans to include them in future?

See information for Australia.

Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?

See information for Australia.

Are there any 'foreign law' firms present in this jurisdiction?

See information for Australia.

Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?

See information for Australia.

Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?

See information for Australia.

Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?

A foreign lawyer can obtain a limited licence entitling them to offer advisory services in foreign and international law (i.e. become a foreign legal consultant).
The relevant legislation is the Legal Profession Act 2007 - Part 2.8 Legal practice by foreign lawyers and the Legal Profession Regulation 2007 - Part 2.8 Legal practice by foreign lawyers.

Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)?

Once a licence has been granted, there are ongoing requirements: the licence holder must not hold a license to practice foreign law in any other state or territory, must notify the Law Society as soon as practicable every time practice details change and must notify the Law Society within 7 days if they are charged with a serious offence.

Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)

In order to qualify for a limited licence, an applicant must meet a series of requirements including in relation to: educational and professional qualifications; registration in a foreign state; fitness and good character; and professional indemnity insurance.

Are foreign lawyers permitted to undertake arbitration and mediation?

Yes

Are foreign lawyers allowed to appear in court under any circumstances?

Yes. Under limited circumstances. – See information for Australia.

Can foreign lawyers requalify as local lawyers?

Yes. - See information for Australia.

Australia – Queensland

<i>Can a foreign law firm obtain a licence to open an office?</i>	Foreign firms are permitted to establish a commercial presence (a permanent office) to offer advisory services in foreign and international law. Foreign firms which employ an Australian Legal Practitioner Director, may practise Australian law subject to several conditions imposed by legislation.
<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)</i>	See information for Australia.
<i>Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)</i>	No
<i>Is there a quota on the number of licences available?</i>	No
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	No
<i>Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (E.g. home, host, international law), if so, what are they?</i>	Foreign firms may offer advisory services in home country and international law including arbitration and mediation.
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	Not applicable
<i>Are there rules about the name a foreign law firm can take?</i>	There are specific rules in relation to use of names by lawyers or law firms. These rules are the Legal Profession Act 2007, section 170 (Designation). Foreign lawyers and firms are treated differently from local lawyers in the application of these rules.
<i>What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL</i>	There is no explicit foreign law firm licensing regime which regulates these arrangements.
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	See information for Australia.
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	Yes
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	Yes
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	Yes

Australia – Queensland

Other useful sources or comments or links

Queensland Law Society: <http://www.qls.com.au/>
Bar Association of Queensland:
<http://www.qldbar.asn.au/>

Verified by

Law Council of Australia (November 2013)
www.lawcouncil.asn.au

Australia – South Australia

<i>Is there legislation governing the legal sector</i>	Legal Practitioners Act 1981 http://www.austlii.edu.au/au/legis/sa/consol_act/lpa1981207/
<i>Under what title do lawyers practise?</i>	Barrister, Solicitor, Legal Practitioner, lawyer
<i>How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?</i>	See information for Australia.
<i>Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits</i>	See information for Australia.
<i>Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?</i>	Appearing in court or advising on the law of South Australia.
<i>Do you need to hold local nationality to be eligible to practise law?</i>	No
<i>What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)</i>	Sole Practitioner, partnership, incorporated legal practice
<i>What other ethical or regulatory requirements must a licensed lawyer comply with?</i>	Australian Solicitors Conduct Rules: http://www.lawsocietysa.asn.au/PDF/Prof_Australian_Solicitors_Conduct_Rules.pdf
<i>Do law firms need to receive a "license" (or permission/approval) to practice law?</i>	Not applicable
<i>Which authority issues licences? Are there different authorities for individuals and firms?</i>	The Law Society of South Australia: http://www.lawsocietysa.asn.au
<i>Is the jurisdiction a member of the WTO?</i>	See information for Australia.
<i>Has it made any WTO commitments on legal services?</i>	See information for Australia.
<i>Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?</i>	See information for Australia.
<i>Do these currently include legal services or are there plans to include them in future?</i>	See information for Australia.
<i>Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?</i>	See information for Australia.

Australia – South Australia

<i>Are there any 'foreign law' firms present in this jurisdiction?</i>	See information for Australia.
<i>Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?</i>	See information for Australia.
<i>Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?</i>	See information for Australia.
<i>Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?</i>	The relevant legislation is the Legal Practitioners Act 1981 (SA). In South Australia there is no specific requirement to register as a foreign lawyer, but a foreign lawyer is permitted to provide legal services in foreign law.
<i>Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)</i>	Not applicable
<i>Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)</i>	Not applicable
<i>Are foreign lawyers permitted to undertake arbitration and mediation?</i>	Yes
<i>Are foreign lawyers allowed to appear in court under any circumstances?</i>	Legislation prohibits an Australian-registered foreign lawyer from appearing in any court (except on his or her own behalf).
<i>Can foreign lawyers requalify as local lawyers?</i>	Yes. - See information for Australia.
<i>Can a foreign law firm obtain a licence to open an office?</i>	No
<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)</i>	Not permitted in South Australia.
<i>Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)</i>	Not applicable
<i>Is there a quota on the number of licences available?</i>	Not applicable
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	Not applicable
<i>Are there "scope of practice" rules that apply directly to foreign law firms (as</i>	Not applicable

Australia – South Australia

opposed to lawyers themselves)? (E.g. home, host, international law), if so, what are they?

Are there restrictions on the corporate form a foreign law firm can take? Not applicable

Are there rules about the name a foreign law firm can take? Not applicable

What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL Not applicable

Are there restrictions on the ownership share of foreign lawyers in a law firm? Not applicable

May a domestic lawyer be employed by a foreign lawyer or law firm? No

Can a domestic lawyer enter into partnership with a foreign lawyer? No

Can a domestic lawyer or domestic law firm employ a foreign lawyer? Yes

Other useful sources or comments or links Law Society of SA: <http://www.lawsocietysa.asn.au/>
SA Bar Association: <http://www.sabar.org.au/>

Verified by Law Council of Australia (November 2013)
www.lawcouncil.asn.au

Australia – Tasmania

Is there legislation governing the legal sector

Legal Profession Act 2007:
http://www.thelaw.tas.gov.au/tocview/index.w3p;cond=;doc_id=24%2B%2B2007%2BAT%40EN%2B20090113120000;histon=;prompt=;rec=;term

Under what title do lawyers practise?

Barrister, Solicitor, Legal Practitioner

How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?

See information for Australia.

Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits

See information for Australia.

Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?

Appearing in court or advising on the law of Tasmania.

Do you need to hold local nationality to be eligible to practise law?

No

What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)

Sole practitioner, partnership, incorporated legal practice or multi-disciplinary partnership.

What other ethical or regulatory requirements must a licensed lawyer comply with?

Rules of Practice 1994:
http://www.thelaw.tas.gov.au/tocview/content.w3p;cond=;doc_id=+229+1994+AT@EN+20050901000000;histon=N;prompt=;rec=0;term

Do law firms need to receive a "license" (or permission/approval) to practice law?

The Law Society of Tasmania must be informed of a firm's intention to practise law.

Which authority issues licences? Are there different authorities for individuals and firms?

The Law Society of Tasmania:
<http://www.taslawsociety.asn.au/web/en/lawsociety.html>

Is the jurisdiction a member of the WTO?

See information for Australia.

Has it made any WTO commitments on legal services?

See information for Australia.

Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?

See information for Australia.

Do these currently include legal services or are there plans to include them in future?

See information for Australia.

Australia – Tasmania

<i>Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?</i>	See information for Australia.
<i>Are there any 'foreign law' firms present in this jurisdiction?</i>	See information for Australia.
<i>Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?</i>	See information for Australia.
<i>Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?</i>	See information for Australia.
<i>Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?</i>	<p>A foreign lawyer can obtain a limited licence entitling them to offer advisory services in foreign and international law (i.e. become a foreign legal consultant).</p> <p>The relevant legislation is the Legal Profession Act 2007 (TAS) – Part 2.6, Legal practice by foreign lawyers and the Legal Profession Regulation 2008 (TAS) – Part 2, Division 4, and Legal practice: foreign lawyers.</p>
<i>Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)?</i>	Once a licence has been granted, there are ongoing requirements: the licence holder must not hold a license to practise foreign law in any other state or territory, must notify the Law Society as soon as practicable every time practice details change and must notify the Law Society within 7 days if they are charged with a serious offence.
<i>Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)</i>	The requirements that must be met to qualify for a limited licence are set out in sections Part 2.6 of the Legal Profession Act
<i>Are foreign lawyers permitted to undertake arbitration and mediation?</i>	Yes
<i>Are foreign lawyers allowed to appear in court under any circumstances?</i>	Yes. Under limited circumstances. See information for Australia.
<i>Can foreign lawyers requalify as local lawyers?</i>	Yes. - See information for Australia.
<i>Can a foreign law firm obtain a licence to open an office?</i>	<p>Foreign firms are permitted to establish a commercial presence (a permanent office) to offer advisory services in foreign and international law.</p> <p>Foreign firms which employ an Australian Legal Practitioner Director, may practise Australian law subject to several conditions imposed by legislation.</p>

Australia – Tasmania

<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)</i>	See information for Australia.
<i>Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)</i>	No
<i>Is there a quota on the number of licences available?</i>	No
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	No
<i>Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (E.g. home, host, international law), if so, what are they?</i>	Foreign firms may offer advisory services in home country and international law including arbitration and mediation.
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	Not applicable
<i>Are there rules about the name a foreign law firm can take?</i>	There are specific rules in relation to use of names by lawyers or law firms. Foreign lawyers and firms are treated differently from local lawyers in the application of these rules.
<i>What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL</i>	There is no explicit foreign law firm licensing regime which regulates these arrangements.
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	See information for Australia.
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	Yes
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	Yes
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	Yes
<i>Other useful sources or comments or links</i>	Law Society of Tasmania: http://www.taslawsociety.asn.au/ Tasmanian Independent Bar: http://www.tasmanianbar.com.au/
<i>Verified by</i>	Law Council of Australia – www.lawcouncil.asn.au (November 2013)

Australia – Victoria

<i>Is there legislation governing the legal sector</i>	Legal Profession Act 2004: http://www.legislation.vic.gov.au/Domino/Web_Notes/LDMS/PubStatbook.nsf/f932b66241ecf1b7ca256e92000e23be/80472D77ED28C98ACA256F6A0022AC29/\$FILE/04-099A.pdf
<i>Under what title do lawyers practise?</i>	Barrister, Solicitor, Legal Practitioner, lawyer
<i>How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?</i>	See information for Australia.
<i>Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits</i>	See information for Australia.
<i>Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?</i>	Appearing in court or advising on the law of Victoria.
<i>Do you need to hold local nationality to be eligible to practise law?</i>	No
<i>What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)</i>	Sole practitioner, partnership, incorporated legal practices, multi-disciplinary partnerships.
<i>What other ethical or regulatory requirements must a licensed lawyer comply with?</i>	Law Institute of Victoria Professional Conduct and Practice Rules 2005: http://www.liv.asn.au/PDF/Practising/Professional-Standards/Acts/2005ConductRules.aspx
<i>Do law firms need to receive a "license" (or permission/approval) to practice law?</i>	The Legal Services Board of Victoria must be informed of a firm's intention to practise law.
<i>Which authority issues licences? Are there different authorities for individuals and firms?</i>	The Legal Services Board of Victoria: http://www.lsb.vic.gov.au/
<i>Is the jurisdiction a member of the WTO?</i>	See information for Australia.
<i>Has it made any WTO commitments on legal services?</i>	See information for Australia.
<i>Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?</i>	See information for Australia.
<i>Do these currently include legal services or are there plans to include them in future?</i>	See information for Australia.

Australia – Victoria

<i>Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?</i>	See information for Australia.
<i>Are there any 'foreign law' firms present in this jurisdiction?</i>	See information for Australia.
<i>Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?</i>	See information for Australia.
<i>Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?</i>	See information for Australia.
<i>Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?</i>	<p>A foreign lawyer can obtain a limited licence entitling them to offer advisory services in foreign and international law (i.e. Become a foreign legal consultant).</p> <p>The relevant legislation is the Legal Profession Act 2004 – Part 2.8 and the Legal Profession Regulation 2005 – Part 2.4.</p>
<i>Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)?</i>	<p>Once a licence has been granted, there are ongoing requirements: the licence holder must not hold a license to practice foreign law in any other state or territory, must notify the Law Society as soon as practicable every time practice details change and must notify the Law Society within 7 days if they are charged with a serious offence.</p>
<i>Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)</i>	The requirements that must be met to qualify for a limited licence are set out in sections Part 2.6 of the Legal Profession Act
<i>Are foreign lawyers permitted to undertake arbitration and mediation?</i>	Yes
<i>Are foreign lawyers allowed to appear in court under any circumstances?</i>	Yes. Under limited circumstances. See information for Australia.
<i>Can foreign lawyers requalify as local lawyers?</i>	Yes. - See information for Australia.
<i>Can a foreign law firm obtain a licence to open an office?</i>	<p>Foreign firms are permitted to establish a commercial presence (a permanent office) to offer advisory services in foreign and international law.</p> <p>Foreign firms which employ an Australian Legal Practitioner Director, may practise Australian law subject to several conditions imposed by legislation.</p>
<i>Even if a foreign law firm does not require a legal licence must they register in some</i>	See information for Australia.

Australia – Victoria

form in order to set up an office? (E.g. with a ministry of company affairs etc.)

Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)

No

Is there a quota on the number of licences available?

No

Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?

No

Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (E.g. home, host, international law), if so, what are they?

Foreign firms may offer advisory services in home country and international law including arbitration and mediation.

Are there restrictions on the corporate form a foreign law firm can take?

Not applicable

Are there rules about the name a foreign law firm can take?

There are specific rules in relation to use of names by lawyers or law firms. These rules are found in section 2.8.9 of the Legal Profession Act 2004 (VIC). Foreign lawyers and firms are treated differently from local lawyers in the application of the rules in that there is a specific regime for use of names and advertising 'for Australian-registered' foreign lawyers.

What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL

There is no explicit foreign law firm licensing regime which regulates these arrangements.

Are there restrictions on the ownership share of foreign lawyers in a law firm?

See information for Australia.

May a domestic lawyer be employed by a foreign lawyer or law firm?

Yes

Can a domestic lawyer enter into partnership with a foreign lawyer?

Yes

Can a domestic lawyer or domestic law firm employ a foreign lawyer?

Yes

Other useful sources or comments or links

Law Institute of Victoria: <http://www.liv.asn.au/>
The Victorian Bar: <http://www.vicbar.com.au/>

Verified by

Law Council of Australia – www.lawcouncil.asn.au
(November 2013)

Australia – Western Australia

<i>Is there legislation governing the legal sector</i>	Legal Profession Act 2008: http://www.austlii.edu.au/au/legis/wa/consol_act/lpa2008179/
<i>Under what title do lawyers practise?</i>	Barrister, Solicitor, Legal Practitioner, lawyer
<i>How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?</i>	See information for Australia.
<i>Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits</i>	See information for Australia.
<i>Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?</i>	Appearing in court or advising on the law of Western Australia. Legal Profession Act 2008 (WA) http://www.austlii.edu.au/au/legis/wa/consol_act/lpa2008179/
<i>Do you need to hold local nationality to be eligible to practise law?</i>	No
<i>What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)</i>	Sole practitioner, partnerships, incorporated legal practice or multi-disciplinary partnership.
<i>What other ethical or regulatory requirements must a licensed lawyer comply with?</i>	Legal Profession Conduct Rules 2010: http://www.slp.wa.gov.au/pco/prod/FileStore.nsf/Documents/MRDdocument:24710P/\$FILE/LegProfessionCndctRu2010-00-d0-00.pdf?OpenElement
<i>Do law firms need to receive a "license" (or permission/approval) to practice law?</i>	The Legal Services Board of Western Australia must be informed of a firm's intention to practise law.
<i>Which authority issues licences? Are there different authorities for individuals and firms?</i>	The Legal Services Board of Western Australia: http://www.lpbwa.org.au/
<i>Is the jurisdiction a member of the WTO?</i>	See information for Australia.
<i>Has it made any WTO commitments on legal services?</i>	See information for Australia.
<i>Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?</i>	See information for Australia.
<i>Do these currently include legal services or are there plans to include them in future?</i>	See information for Australia.

Australia – Western Australia

Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?

See information for Australia.

Are there any 'foreign law' firms present in this jurisdiction?

See information for Australia.

Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?

See information for Australia.

Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?

See information for Australia.

Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?

A foreign lawyer can obtain a limited licence entitling them to offer advisory services in foreign and international law (i.e. become a foreign legal consultant).

The relevant legislation is the Legal Profession Act 2008 - sections 164 to 193.

Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)?

Once a licence has been granted, there are ongoing requirements: the licence holder must not hold a license to practice foreign law in any other state or territory, must notify the Law Society as soon as practicable every time practice details change and must notify the Law Society within 7 days if they are charged with a serious offence.

Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)

The requirements that must be met in order to qualify for a limited licence are as follows: In brief, the applicant must apply for registration, demonstrating evidence of practise and good standing in the overseas jurisdiction, or must be registered in Australia. (Sections 169-172 of the Act).

Are foreign lawyers permitted to undertake arbitration and mediation?

Yes

Are foreign lawyers allowed to appear in court under any circumstances?

Yes. Under limited circumstances. See information for Australia.

Can foreign lawyers requalify as local lawyers?

Yes. - See information for Australia.

Can a foreign law firm obtain a licence to open an office?

Foreign firms are permitted to establish a commercial presence (a permanent office) to offer advisory services in foreign and international law.

Foreign firms which employ an Australian Legal Practitioner Director, may practise Australian law subject to several conditions imposed by legislation.

Australia – Western Australia

<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)</i>	See information for Australia.
<i>Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)</i>	No
<i>Is there a quota on the number of licences available?</i>	No
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	No
<i>Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (E.g. home, host, international law), if so, what are they?</i>	Foreign firms may offer advisory services in home country and international law including arbitration and mediation.
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	Not applicable
<i>Are there rules about the name a foreign law firm can take?</i>	There are specific rules in relation to use of names by lawyers or law firms. Section 14 of the Legal Profession Act and Regulation 5 state who can use what terms. Foreign lawyers and firms are treated differently from local lawyers in the application of these rules, in that the Act has specific provisions for foreign registered lawyers. Often, the provision requires compliance with the rules applying to local lawyers, but nonetheless they are spelt out in the part of the Act dealing with foreign lawyers.
<i>What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL</i>	There is no explicit foreign law firm licensing regime which regulates these arrangements.
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	See information for Australia.
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	Yes
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	Yes
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	Yes
<i>Other useful sources or comments or links</i>	Law Society of WA: http://www.lawsocietywa.asn.au/ WA Bar Association: http://www.wabar.asn.au/
<i>Verified by</i>	Law Council of Australia – www.lawcouncil.asn.au (November 2013)

New Zealand

Is there legislation governing the legal sector

Lawyers and Conveyancers Act 2006:
http://www.legislation.govt.nz/act/public/2006/0001/latest/DLM364939.html?search=ts_act%40bill%40regulation%40deemedreg_lawyers+and+conveyancers_resele_25_a&p=1

Under what title do lawyers practise?

Barrister or barrister and solicitor

How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?

To practise as or to call yourself a New Zealand lawyer you must:

1. Complete a Bachelor of Laws Degree (LLB) approved by the New Zealand Council of Legal Education (NZCLE). Overseas law graduates or those who have been admitted in another jurisdiction (except Australia) may be required to complete further New Zealand university subjects and/ or parts of the New Zealand Law and Practice Examination;
2. Complete the Professional Legal Studies Course at either the Institute of Professional Legal Studies or College of Law. Overseas trained lawyers may be exempted from this, once their qualifications and experience have been assessed by the NZCLE;
3. Obtain a certificate of completion from the NZCTo practise as or to call yourself a New Zealand lawyer you must:

1. Complete a Bachelor of Laws Degree (LLB) approved by the New Zealand Council of Legal Education (NZCLE). Overseas law graduates or those who have been admitted in another jurisdiction (except Australia) may be required to complete further New Zealand university subjects and/ or parts of the New Zealand Law and Practice Examination;
2. Complete the Professional Legal Studies Course at either the Institute of Professional Legal Studies or College of Law. Overseas trained lawyers may be exempted from this, once their qualifications and experience have been assessed by the NZCLE;
3. Obtain a certificate of completion from the NZCLE;
4. Obtain a certificate of character from the NZLS and be admitted to the roll of barristers and solicitors of the High Court of New Zealand;
5. Hold a current practising certificate issued by the Law Society.

The practising certificate must be renewed annually and a declaration made that nothing has occurred during the previous 12 months that might affect the lawyer's ability to practise.

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New Zealand

4. Obtain a certificate of character from the NZLS and be admitted to the roll of barristers and solicitors of the High Court of New Zealand;

5. Hold a current practising certificate issued by the Law Society.

The practising certificate must be renewed annually, and a declaration made that nothing has occurred during the previous 12 months that might affect the lawyer's ability to practise.

Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits

The practising certificate entitles lawyers to practise throughout New Zealand.

Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?

Yes, only lawyers who hold practising certificates are able to carry out work in the reserved areas of work. These are set out in s6 of the Lawyers and Conveyancers Act.

Do you need to hold local nationality to be eligible to practise law?

No

What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)

Lawyers may be employed (by law firms or non-law firms) or be self-employed as a barrister or a sole practitioner, practice in partnership in a law firm or in an incorporated law firm.

Multi-disciplinary practices are not permitted.

What other ethical or regulatory requirements must a licensed lawyer comply with?

Lawyers must comply with the Rules of Conduct and Client Care:
http://www.legislation.govt.nz/regulation/public/2008/02/14/latest/DLM1437806.html?search=ts_regulation%40deemedreg_client+conduct_resele_25_a&p=1
 In addition lawyers must comply with the fundamental obligations of lawyers as set out in s4 of the Lawyers and Conveyancers Act.

Do law firms need to receive a "license" (or permission/approval) to practice law?

No. In New Zealand, only the lawyers themselves are 'licensed' i.e. Hold practising certificates.

Which authority issues licences? Are there different authorities for individuals and firms?

The New Zealand Law Society issues practising certificates for all lawyers in New Zealand:
<http://www.lawsociety.org.nz/>

Is the jurisdiction a member of the WTO?

New Zealand joined the WTO on 1 January 1995

Has it made any WTO commitments on legal services?

New Zealand has scheduled full commitments under the WTO. It has no limitations for foreign providers in modes 1, 2 and 3. It is unbound in mode 4.

New Zealand

Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?

More information on this can be obtained from the Ministry of Foreign Affairs and Trade.
<http://www.mfat.govt.nz/>

Do these currently include legal services or are there plans to include them in future?

New Zealand has bilateral agreements with ASEAN, Australia, Hong Kong, China, Malaysia, Singapore, Chile and Thailand.
More information on this can be obtained from the Ministry of Foreign Affairs and Trade.
<http://www.mfat.govt.nz/>

Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?

New Zealand has scheduled full commitment in all of its FTAs in modes 1-3, mirroring its WTO commitments
More information on this can be obtained from the Ministry of Foreign Affairs and Trade.
<http://www.mfat.govt.nz/>

Are there any 'foreign law' firms present in this jurisdiction?

Lawyers from Australia are given special status in that they may qualify for mutual recognition under the Trans-Tasman Mutual Recognition Arrangement.
<http://www.lawsociety.org.nz/home/for-lawyers/regulatory/going-overseas-or-returning/practising-in-australia/guidelines-for-admission-under-the-ttmra>

Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?

In the past there has been a limited number of foreign firms in New Zealand that have an association with local firms.

Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?

There is an express rule allowing temporary practice by foreign lawyers.
The relevant legislation is sections 25 and 27(1) (b) (ii) of the Lawyers and Conveyancers Act 2006.

Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?

Yes. See <http://www.immigration.govt.nz/migrant/>

Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)?

Foreign lawyers do not need a licence to practise foreign law in New Zealand. See s25 Lawyers and Conveyancers Act 2005

Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)

Not applicable

Not applicable

New Zealand

Are foreign lawyers permitted to undertake arbitration and mediation?

Yes – as this is not work reserved to lawyers in New Zealand it is merely subject to any visa requirements.

Are foreign lawyers allowed to appear in court under any circumstances?

Yes, foreign lawyers can provide legal services (including appearing) in New Zealand in relation to any proceedings before a court or other body if knowledge of the law of another country or international law is essential for the purposes of the proceedings.

Can foreign lawyers requalify as local lawyers?

Yes but in order to obtain a full licence to practise law in this jurisdiction, a foreign lawyer must have his or her overseas qualifications assessed (see www.nzcle.org.nz), complete any equivalence requirements, obtain a certificate of character and certificate of completion, seek admission as a barrister and solicitor, and apply to the New Zealand Law Society for a practising certificate. Australian lawyers (those with current practising certificates) are able to seek registration (for admission and a practising certificate) under the Trans-Tasman Mutual Recognition Act 1997.

Can a foreign law firm obtain a licence to open an office?

Foreign firms are permitted but are not required to establish a commercial presence (a permanent office) to offer advisory services in foreign and international law. The NZLS does not regulate foreign law firms.

Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)

The Companies Act 1993 (“the Companies Act”) sets out the main requirements for companies domiciled overseas to operate in New Zealand. This can be achieved by:

- Incorporation of a new subsidiary company under the Companies Act 1993; or
- Registering the foreign company as a branch in New Zealand; or
- Acquiring shares in a pre-existing New Zealand company or entering a joint venture with a New Zealand company. In all instances, registration with the Companies Office is required

Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)

There is no requirement for foreign law firms to be licensed.

Is there a quota on the number of licences available?

Not applicable

Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?

Not applicable

New Zealand

Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (E.g. home, host, international law), if so, what are they?

There are no limitations. Foreign law firms may practise the law of their own jurisdiction in NZ or may carry out legal work so long as it is not part of the work reserved for lawyers as defined in s 6 of the Lawyers and Conveyancers Act 2006.

Are there restrictions on the corporate form a foreign law firm can take?

There are no limitations on law firms beyond those required of all foreign companies by the New Zealand Companies Act 1993.

Are there rules about the name a foreign law firm can take?

No. Although it may be a breach of the Lawyers and Conveyancers Act (and therefore an offence) if the name of a foreign law firm is misleading and could lead members of the public to think it was a firm practising New Zealand law and consisting of NZ lawyers.

What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL

There is no licensing requirement for foreign law firms. Foreign law firms would be regulated by their own jurisdiction if that was required

Are there restrictions on the ownership share of foreign lawyers in a law firm?

Yes. Foreign lawyers cannot hold an ownership share of an incorporated law firm if they do not hold a New Zealand practising certificate on their own account.

May a domestic lawyer be employed by a foreign lawyer or law firm?

If a domestic lawyer was employed by a foreign lawyer or law firm that lawyer would be deemed to be an in house lawyer and could only give advice to the employer – not to clients of the foreign law firm.

Can a domestic lawyer enter into partnership with a foreign lawyer?

Foreign firms are not permitted to enter into commercial association with local lawyers or law firms. This is because multi-disciplinary practices are not permitted and lawyers from other jurisdictions are not classified as "lawyers" within New Zealand.

Can a domestic lawyer or domestic law firm employ a foreign lawyer?

Yes. However, it must be clear to the public that the foreign lawyer does not hold a New Zealand practising certificate. The foreign lawyer cannot work in the areas of work reserved for holders of New Zealand practising certificates although there are exceptions if the work is done under the direct supervision of the employer.

Other useful sources or comments or links

New Zealand Law Society:
<http://www.lawsociety.org.nz/>

Verified by

New Zealand Law Society (July 2013)