



HERBERT
SMITH
FREEHILLS

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Legal Services Council
PO Box H326
Australia Square NSW 125
Email: submissions@legalservicescouncil.org.au

Dear All

Draft Legal Profession Uniform Admission Amendment (Qualifications) Rule 2023 and draft guideline on the conditional admission of foreign lawyers - our feedback and support

I am writing to express the firm's support of the proposed changes to the Australian admission rules and proposed new guideline to make it easier and quicker for foreign lawyers to gain admission in Australia and practise here, on either a conditional or unconditional basis.

As a firm, we have long been supportive of regulatory change to make it easier for foreign lawyers to practise in Australia. And we have recently reviewed, and confirm our support for, the LFA submission on the draft consultation materials relating to the proposed changes to the admission rules.

The current regulatory approach taken by the Australian regulatory bodies has led to frustration, uncertainty, and resourcing issues within large law firms in Australia like Herbert Smith Freehills, as we frequently need to employ lawyers with specialised skills that are not always found in the Australian market. By way of a personal example, as a Partner and Global Co-Head of Energy at the firm, I have found it extremely challenging to find enough experienced lawyers in the country to resource my work for clients in the energy and infrastructure sectors.

Australian trained energy and infrastructure lawyers are in high demand globally. Our experience has been that it is simpler and faster for an Australian admitted lawyer to practise in London, New York or Singapore than it is for a lawyer admitted in one of those jurisdictions to practise in Australia. A lot of the work done by these lawyers is global and teams from different jurisdictions often compete for roles on major cross-border projects.

Australian firms are at a disadvantage in terms of both maintaining existing practices and growing cross-border practices if they cannot effectively hire or use lawyers from the same talent pool as non-Australian firms. An erosion in the quality and depth of Australian-based practices will result in an increase in transactions involving major Australian assets and projects being negotiated in London, New York and elsewhere under the laws of those jurisdictions.

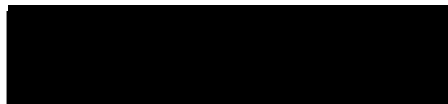
I was lucky to be admitted in Australia under Trans-Tasman mutual recognition. However, having also practised in New York with lawyers from across the world I can confidently say that there were many excellent lawyers from the Commonwealth, US, Europe and Asia who would easily transition to practise in Australia in the areas in which I work. For that reason and those set out above I support any changes that result in a more substance based and less formulaic based approach to admission whether on a conditional or unconditional basis.



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Thank you for the opportunity to submit our feedback.

Regards



Nick Baker
Partner
Herbert Smith Freehills

